URBAN/MUNICIPAL

CA4 ON HBL A05
C51P4
1997

AGENDA
PLANNING & DEVELOPMENT
COMMITTEE

SEPT. 24, 1997 ...

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1997

URBAN MUNICIPAL
SEP 23 1997
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 September 24
7:30 o'clock a.m.
Council Chambers, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

PUBLIC MEETING - 7:30 O'CLOCK P.M.

1. **Windermere Basin Study**

CITY OF HAMILTON

- RECOMMENDATION -

1.

DATE: 1997 September 17
Windermere Basin
OP-HAR(M)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Windermere Basin Study

RECOMMENDATION:

That Option 6 be endorsed in principle, and that staff be directed to prepare the appropriate amendments to the Official Plan and zoning by-law for further consideration by the Planning and Development Committee at a Public Meeting.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

CITY OF HAMILTON

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Windermere Basin
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FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee, at their meeting of 1997 July 2, scheduled a Special Meeting of the Committee regarding the Windermere Basin Study to be held on 1997 September 24 at 7:30 p.m. in Council Chambers. A Public Notice of the meeting was published in the Spectator on 1997 September 5.

REPORT:

Windermere Basin is designated "Special Policy Area - Windermere Basin" on Schedule 'A' - Land Use Concept and Special Policy Area 4 on Schedule 'B' - Special Policy Areas of the Official Plan. Policy A.2.9.3.2 states:

> *"The Windermere Basin which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed study by the appropriate agencies and water-lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."*

Windermere Basin is zoned "L-s" (Planned Development - Special Study) District by By-laws 83-240 and 83-232. The "L-s" District requires that this area may be rezoned "to an appropriate district in keeping with the findings of the Special Waterfront Study for the area so designated." The "Special Waterfront Study" referred to in the By-law is the Windermere Basin Study, a copy of which was appended to the 1997 July 2 report to the Committee.

It should be noted that Hamilton Harbour Commissioners, given their Federal mandate, can use their lands for shipping and navigation uses, notwithstanding the City's Official Plan designation and zoning by-law. However, uses that are other than shipping and navigation are regulated by the City's planning instruments.

By-laws No. 83-232 and 83-240 were appealed to the Ontario Municipal Board by the Hamilton Harbour Commissioners along with a number of other by-laws, Official Plan policies and amendments passed by the City for lands around the Harbour. A condition of the Minutes of Settlement signed by the City and the Hamilton Harbour Commissioners on February 18, 1997, stated:

> **"6. With respect to the east and west sides of Windermere basin, the City of Hamilton committed to complete the staff report by June 30, 1997. Thereafter the Commissioners shall be at liberty to continue the Hearing of this issue before the Board."**

Accordingly, The Windermere Basin Study was forwarded to the Commissioners prior to June 30, 1997.

THE STUDY:

The Windermere Basin Study was been prepared in accordance with Official Plan Policy A.2.9.3.2, noted above. The findings of the Study will form the basis for the final recommendations on land use for the area, and will necessitate an amendment to the Official Plan and zoning by-law.

The study addresses relevant background information such as, amongst others:

- the establishment and findings of the Windermere Basin Working Committee;
- planning controls;
- dredging and filling initiative;
- land use;
- services;
- identification of issues;
- the Hamilton Harbour Commissioners jurisdiction in the study area, and
- public consultation and implementation.

Five land use options were developed initially for consideration of the Working Committee. As a result of the comments received, a "preferred option" was developed for further consideration by the Working Committee. The "preferred option" was refined and added as Option 6 to the Study. All six Options from the Study are presented for consideration the Public Meeting (see APPENDIX "A" attached).

Option 1 Heavy Industry

OP Designation- east and west sides "Industrial"
- water area "Open Water"

Policy* - Recognize land base created from contaminated sediment and development lands will have to be in accordance with Section 45 of the Environmental Protection Act (EPA) if developed by/for any other use than shipping and navigation by the HHC
- Ministry of Environment and Energy has advised that a Section 45 is not required if the land is used by the Hamilton Harbour Commissioners under their federally regulated mandate of operating the Harbour. It is anticipated that the HHC will have to comply to any applicable regulations on the Federal level.

Zoning - east and west side "K" (Heavy Industry,etc.) District
- water areas "F-2" (Open Water) District

** This policy should be included in all options*

*** This is in reference to the Minutes of Settlement signed by the City and the HHC regarding a number of Official Plan and Zoning matters around the Harbour.*

Positive Points
- consistent with lands to the south and west
- economic benefits from job creation and tax base
- good access to major roads and harbour

Negative Points
- **major** environmental impacts => air and water quality implications, noise impact
- low aesethic value
- views not improved
- **major** land use conflicts

Option 2 - Heavy industry west side and "F-4" Modified east side**

This option reflects the City's understanding of the HHC's position on the future development for this area.

OP Designation - east and west sides "Industrial", water area "Open Water"

Zoning
- "K" District on the west side only
- "F-4" (Waterfront Services) District, modified as per Minutes of Settlement signed by the City and the HHC
- "F-2" (Open Water) District

Positive Points
- "K" District on west consistent with existing zoning and uses and adjacent lands
- "F-4" District, modified consistent with Minutes of Settlement agreement between the City and HHC for East Port (Piers 25, 26, 27)
- economic benefits from job creation and tax base
- good access to major roads and harbour
- opportunity with "F-4" modified to improve views, aesthetic qualities
- consistent with land owners vision
- linear nature of new land base limited for little beyond expansion of existing uses

Negative Points
- environmental impacts, particularly with "K" District uses
- "K" low aesthetic or view opportunities
- land use conflicts

Option 3 - Light/prestige industry

OP Designation - east and west sides "Industrial"
- water area "Open Water"

Zoning - similar to "M-13" District - tourism related uses (tour boat, multi-use visitor complex, complimentary to gateway role)
- water area "F-2" (Open Water) District

Positive Points
- range of permitted uses reduces environmental impacts
- good opportunity for improvement of aesethic qualities and views
- enhance tourism opportunities
- economic benefits from job creation and tax base
- good access to major roads and harbour

Negative Points
- minimal environmental conflicts
- development may not account for limitations created by linear nature of new land base

Option 4 Open Space

OP Designation - east and west sides "Open Space"
- water area "Open Water"

Zoning - east and west sides "A" (Conservation, Open Space and Recreation) District
- water area "F-2" (Open Water) District

Positive Points
- best opportunity for improvement of aesethic qualities and views
- enhance tourism opportunities with visitor centre, museum, tour boats
- optimizes trail opportunities
- minimizes environmental impacts
- minimizes land use conflicts with residential
- economic benefits from ecotourism

Negative Points
- does not make efficient use of transportation opportunities or Harbour access
- may create land use conflicts with existing industry
- may be encouraging habitat preservation which may be contaminated

Option 5 - Light industry east side, heavy industry west side

OP Designation - east and west sides "Industrial"
- water area "Open Water"

Zoning - east side "M-13" modified (see Option 3)
- west side "K"

- water area "F-2" District

Positive Points
- range of permitted uses on east side reduces environmental impacts
- opportunity to improve of aesethic qualities and views on the east side
- enhance tourism opportunities on the north side
- "green entrance"
- economic benefits from job creation and tax base
- good access to major roads and harbour
- "K" District on west side is consistent with existing zoning and uses
- linear nature of new land base limited for little beyond expansion of existing uses
- consistent with land owners vision for west side

Negative Points
- environmental impacts => noise, air and water quality
- "K" low aesthetic or view opportunities
- land use conflicts

Option 6 - "F-4" modified (east side), Open Space, Heavy Industry (west side), "L-s" (Planned Development - Special Study) for Cells 4,5,8

OP Designation - east and west side "Industrial"
- water area "Open Water"
- "buffer" and "nodes" around the perimeter of the water area and on both side at the mouth of the Red Hill Creek - "Open Space"

- policies (1) contaminated site and future development will have to be in accordance with Section 45 EPA if developed by/for any other use than shipping and navigation by the Hamilton Harbour Commissioners (2) parameters for urban design guidelines

Zoning - east side - **ALTERNATIVE 1** - "F-4" (Waterfront Services) District modified (as per Minutes of Settlement signed by the City and the HHC - consistent with the City's official position for Piers 25 to 27

- ALTERNATIVE 2 - as ALTERNATIVE 1 except uses on Table 1 (APPENDIX "D") to be deleted as permitted uses. This Alternative removes a number of the "F-4"District modified uses in Alternative 1 which staff consider a having potential negative impacts on the adjacent residential uses.

- "buffer" - perimeter of water area (east and west sides)
- "A" (Conservation, Open Space, Park and

Recreation) District - width to be determined by landowners and recognized experts

- west side - "K" (Heavy Industry, etc.) District except areas known as Cells 4, 5 and 8. These will remain zoned "L-s" until there is appropriate scientific evidence demonstrating the location, health and/or viability of wildlife habitat. Such evidence will include soil testing in these areas. The City will undertake to rezone these areas, depending on the outcome of the evidence, to "K" or "A". It should be noted that Environment Canada is undertaking soil tests in these areas at the time of writing. On this basis, the location, viability and/or health of wildlife habitat may be known prior to a final decision being made on land use for the study area.

SUMMARY OF COMMENTS:

All members of the Working Committee (ie. City and Regional Planning Departments, Regional Environment Department, Regional Public Health Department, Hamilton Harbour Commissioners, Stelco, Philips Environmental Services, Hamilton Region Conservation Authority, Hamilton Beach Preservation Committee, Hamilton Naturalists' Club, Bay Area Restoration Council, and the Hamilton Harbour Remedial Action Plan) were asked to comment on the Study and the six options. In addition, the following were asked for their comment: Fish & Wildlife Habitat Restoration Project, Environment Canada, Environmentally Significant Areas Impact Evaluation Group (ESAIEG), Red Hill Creek Watershed Master Plan Steering Committee, City Public Works and Traffic (Parks Division); and, the Ministry of Environment and Energy.

Thirteen (13) submissions have been received to date (see attached APPENDIX "B"). The following is a summary of each submission.

- Hamilton Beach Preservation Committee Inc.

  Option 4 is preferred on the basis of the "positive points" noted in the description of that Option. Options 1, 2 and 5 are unacceptable. Option 3 "leaves room for discussion".

- Hamilton Harbour Commissioners

  Option 2 is supported.

- Hamilton Harbour Remedial Action Plan

  Option 2 is considered a "reasonable compromise among interests", assuming it includes a trail, a viewing station on the south west side and a buffer zone.

- Hamilton Naturalists' Club

  Option 4 is supported based on its importance as a wildlife habitat.

- Hamilton-Wentworth Regional Public Health Department

  Option 4 would have least impact on the environment. A hybrid of 2, 3 and 4 could be considered. Whichever option is selected, "it is recommended that a holding designation be placed on the zoning to permit additional studies which can identify the nature of the contaminants present and determine the level of contamination as will as potential remediation measures. This information would then allow the final zoning category to be put in place. **Note:** All options include an Official Plan policy recognizing that the land base was created from contaminated sediment and that development will have to be in accordance with Section 45 of the Environmental Protection Act.

- Philip Environmental

  Option 1, 2 and 5 are acceptable on the basis that it will provide room for any future expansion of their operations south of the study area.

- Bay Area Restoration Council (BARC)

  Option 2 is "reasonable" provided "reasonable buffering along East Port Drive and along the shore line ...be included...". Further, "BARC is recommending pedestrian access and a viewing area at the south end of the basin with a path along Red Hill Creek to the basin and a 'soft' treatment with appropriate buffering along the shore of the entire basin".

- Fish & Wildlife Habitat Restoration Project

  Option 6 is supported. It is also noted that on 12 June 1997 an "agreement" was reached between the Hamilton Harbour Commissioners, Environment Canada, Remedial Action Plan and the Fish & Wildlife Habitat Restoration Project, and includes the following highlights:

  East and West Perimeter (Shoreline) - an 8 + m (30 foot) setback from waters edge to lot lines to establish an area which may have potential to create wildlife habitat - a 7.5 m minimum landscaped buffer strip within the rear yard of industrial lots abutting the Windermere Basin perimeter in addition to the 8 m setback.

  Cell 8 - area to be clearly delineated after contaminant sampling - realistic plans to be prepared for 1 to 2 ha wetland/shorebird habitat and grade and cap to provide habitat -

  Trail and Lookouts - walkway trail and lookout along southwest shoreline terminating near Cell 8 for viewing.

- Hamilton Region Conservation Authority

  Option 6 is the preferred option provided the amount of open space is increased. The issue of water quality needs to be addressed and recommends that a stormwater management plan should be developed for the entire study area to ensure current stormwater quality initiatives are implemented when these lands are developed.

- Regional Environment Department

  Option 6 is supported. It is noted that since the study area is adjacent to a Regional Environmentally Significant Area (No. 50 - Van Wagners' Ponds", therefore any proposed land use changes must be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review (see comments below). From a Provincial standpoint it is noted that the subject lands have the potential for site contamination and notes approval of any option should be conditional upon the submission of s signed Record of Site Condition to the Region and the Ministry of Environment and Energy.

- Environmentally Significant Areas Impact Evaluation Group (ESAIEG)

  ESAIEG reviewed the Study at their meeting of 1997 September 11 and had the following comments:

  - noted the focus of their comments are on the impact or implications of the land use options for Windermere Basin on the Van Wagners' Ponds Environmentally Sensitive Area, to the east of the study area;

  - the study area serves as an aquatic and wildlife linkage or migration route between Van Wagners Pond and the Hamilton Harbour. As such, these linkages should be maintained;

  - the study area itself may establish aquatic and/or wildlife habitat, however concern was expressed whether such habitat should be encouraged in an area considered to be contaminated and,

  - once the land use determination has been made, there may be merit in undertaking an Environmental Impact Assessment.

- City Public Works and Traffic Department (Parks Division)

  No comment was made on the options as such, but note was made that any option with an open space component should consider the who would undertake the development (lead agency) to ascertain such things as project design, capital budget, submissions and construction.

- Canadian Wildlife Services (Environment Canada)

  The Canadian Wildlife Services undertook contaminant sampling of bottom sediments from Cells 4 and 8 on July 15 and 16, and their comments specifically address this specific:

  "that there is reason for significant concern about the quality of habitat in both cells due to exceedences of the LEL [Lowest Effect Levels] for many compounds and of the SEL [Severe Effect Levels] for some. There is also concern for the wildlife utilizing these cells.

  As a result, it is recommended that the sediments in Cells 4 and 8 be isolated as soon as possible, through appropriate capping with clean fill to prevent further exposure of contaminants to the wildlife that are using the cells.

  ...the proposed vegetation buffer around the basin will be important to screen the tern nesting areas from the disturbance from future adjacent lands uses. It will also provide a buffer from the disturbance for the wintering waterfowl which utilize the basin. All opportunities to maximize the width of the buffer should be explored."

COMMENTS ON SUBMISSIONS:

Given the written submission received and discussions with the Working Committee, the majority generally support Option 6 with some conditions. Both the Hamilton Naturalists' Club and the Hamilton Beach Preservation Committee strongly support Option 4 for Open Space for the entire area.

There are a number of issues raised both in the written submissions and in a recent Working Committee meeting, which must be resolved prior to finalization of a site specific Official Plan amendment and zoning by-law amendment. These include:

- Contaminated Soils

  The Regional Public Health Department and the Regional Environment Department both from a Regional and Provincial perspective) note the potential for site contamination and the need for further study. In this regard, there may be merit in placing the land area within a holding zone until such time as a signed Record of Site Condition (RSC) is submitted to the Region and the Ministry of Environment and Energy.

  It should be noted that the Ministry of Environment and Energy advised that this requirement would not be binding on the Harbour Commissioners if the lands are related to the operation of the harbour. However, "the Ministry of Environment and Energy (MOEE) would agree that, if the intention is not to use the lands for purposes which are

related to the operation of the harbour, the EPA [Environmental Protection Acto] Section 46 is applicable."

- Aquatic and Terrestrial Habitat

The findings of Canadian Wildlife Services show high contaminant levels in Cells 4 and 8 (on the west side) and recommend that these two areas be capped off as soon as possible to prevent further exposure of contaminants to the wildlife using these cells. In addition, ESAIEG recognizes the study area as aquatic and wildlife linkage between Van Wagners' Ponds and the Harbour proper, but question is whether habitat should be encouraged in an area known to be contaminated. An Environmental Impact Statement (EIS) is suggested once the land use has been determined.

The Hamilton Naturalists' Club support the open space option for the entire area because of the areas historical place as one of the last remaining of the original Harbour marshes. and its rich mudflats support migratory birds. The most notable being the common tern colony on the spur dike of the south west shore. In this context, they support the need to undertake an EIS.

The requirement that an EIS be undertaken could be include as a condition of removing the holding provision, in addition to the condition suggested previously with respect to contaminated soils.

- Buffer

The Fish and Wildlife Habitat Restoration Project (F&WHA) have recommended that a buffer be established around the perimeter of the water area of the basin. There is agreement with this proposal by the participants on the Working Committee. The July submission of the F&WHA (made prior to the sediment testing by the Canadian Wildlife Services) suggests this buffer be 8 + m from the water's edge and, in addition, suggest a minimum 7.5 m landscape buffer strip within the rear yards of the industrial abutting the basin perimeter.

Given the findings of the Canadian Wildlife Services and recent discussions of the Working Committee there is a need to re-evaluate the purpose of the buffer (ie. aesthetic, wildlife habitat, protection of the common tern colony, etc.) with the appropriate experts, interested parties and the land owner to reach a consensus at the purpose of the buffer and the appropriate width based on the purpose. A meeting to discuss this issue is being arranged at the time of writing. The outcome of this discussion will provide guidance on the width of the buffer which is proposed to be rezoned "A" (Conservation, Open Space, and Park and Recreation) District in Option 6. In addition, it may provide direction for a setback distance for industrial development in industrial uses backing onto the basin.

- Stormwater Management Plan

  The Hamilton Region Conservation Authority (HRCA) note that "the development of lands adjacent to the basin should seek to improve the water quality in the study area. A stormwater management plan should be developed for the entire study area to ensure current stormwater quality initiatives are implemented when these lands are developed." Such a requirement is generally placed as a condition of approval of a plan of subdivision. In the context of this study, it could be incorporated as a condition of removal of the holding zone.

- Cells 4 and 8

  Option 6 recommended that Cells 4, 5 and 8 remain zoned "L-s" (Planned Development - Special Study) District "until there is appropriate scientific evidence demonstrating the location, health and/or viability of wildlife habitat. Such evidence will include soil testing in these areas. The City will undertake to rezone these areas, depending on the outcome of the evidence, to "K" or "A". It should be noted that Environment Canada is undertaking soil tests in these areas at the time of writing. On this basis, the location, viability and/or health of wildlife habitat may be known prior to a final decision being made on land use for the study area."

  In the preceding discussion of aquatic and terrestrial habitat, that the recent Canadian Wildlife Services indicated that both Cells 4 and 8 (on the west side of the Basin) showed high levels of contaminants and should be capped off to prevent further exposure of contaminants to the wildlife using these cells. (Cell 5 was included in Option 6 due to a misunderstanding of where the testing was being undertaken.) Given this new information the "L-s" District proposal in Option 6 for this area should be re-evaluated.

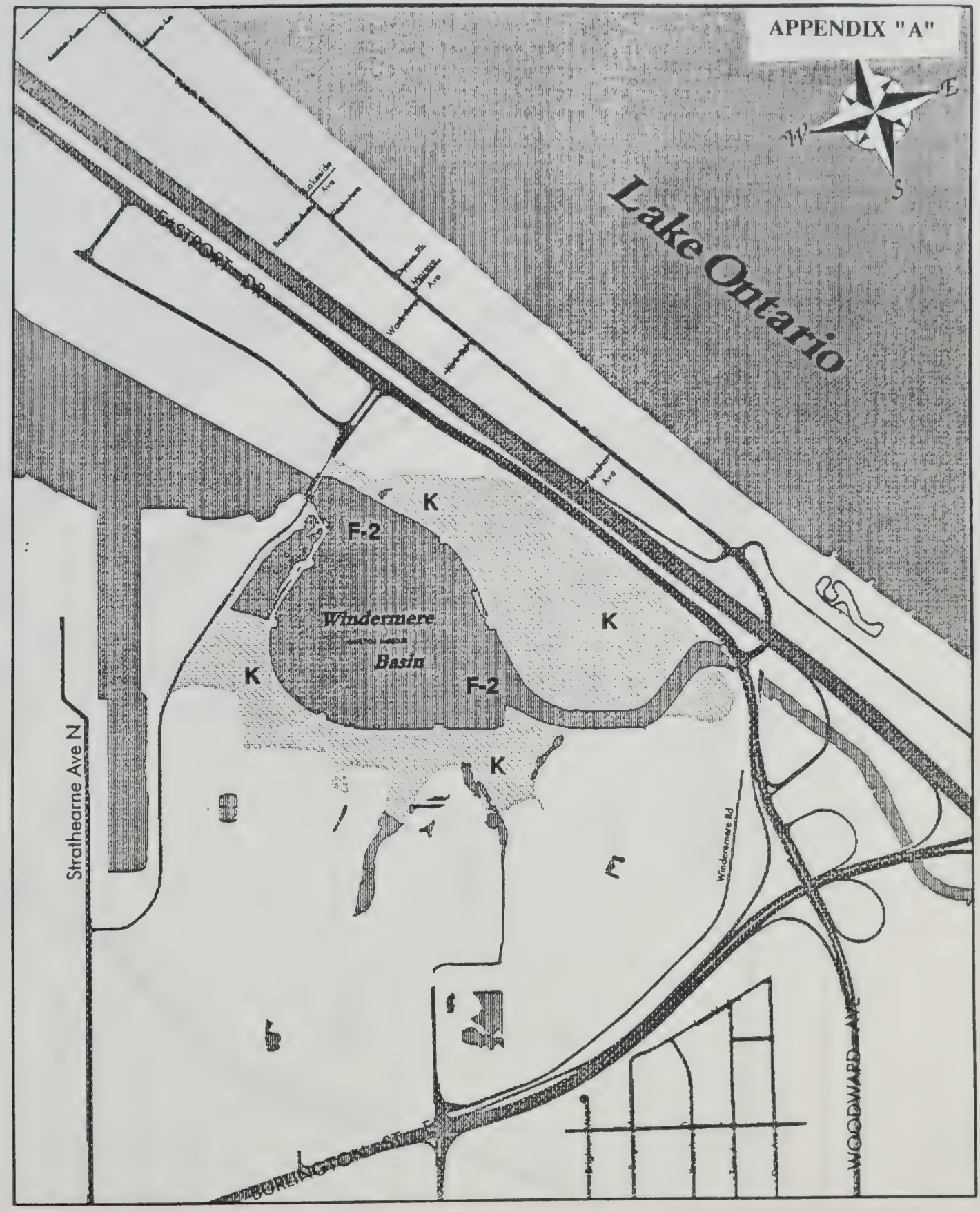
SUMMARY:

Based on the submissions received there is general support for Option 6 (except for the Hamilton Beach Preservation Committee and the Hamilton Naturalists' Club). There are however, a number of issues which require further evaluation and subsequent refinement of the option. An Official Plan and zoning by-law amendments could be prepared based on this refinement.

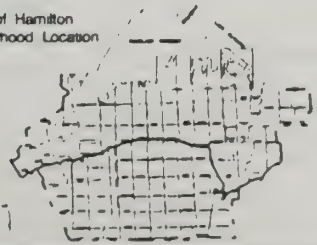
CONCLUSION:

Based on the foregoing, Option 6 should be endorsed in principle and staff should be directed to prepare the appropriate amendments to the Official Plan and zoning by-law for further consideration by the Committee at a Public Meeting

CLF/
Winder/P&D/September 24.97



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

OPEN WATER

INDUSTRIAL

OPEN SPACE

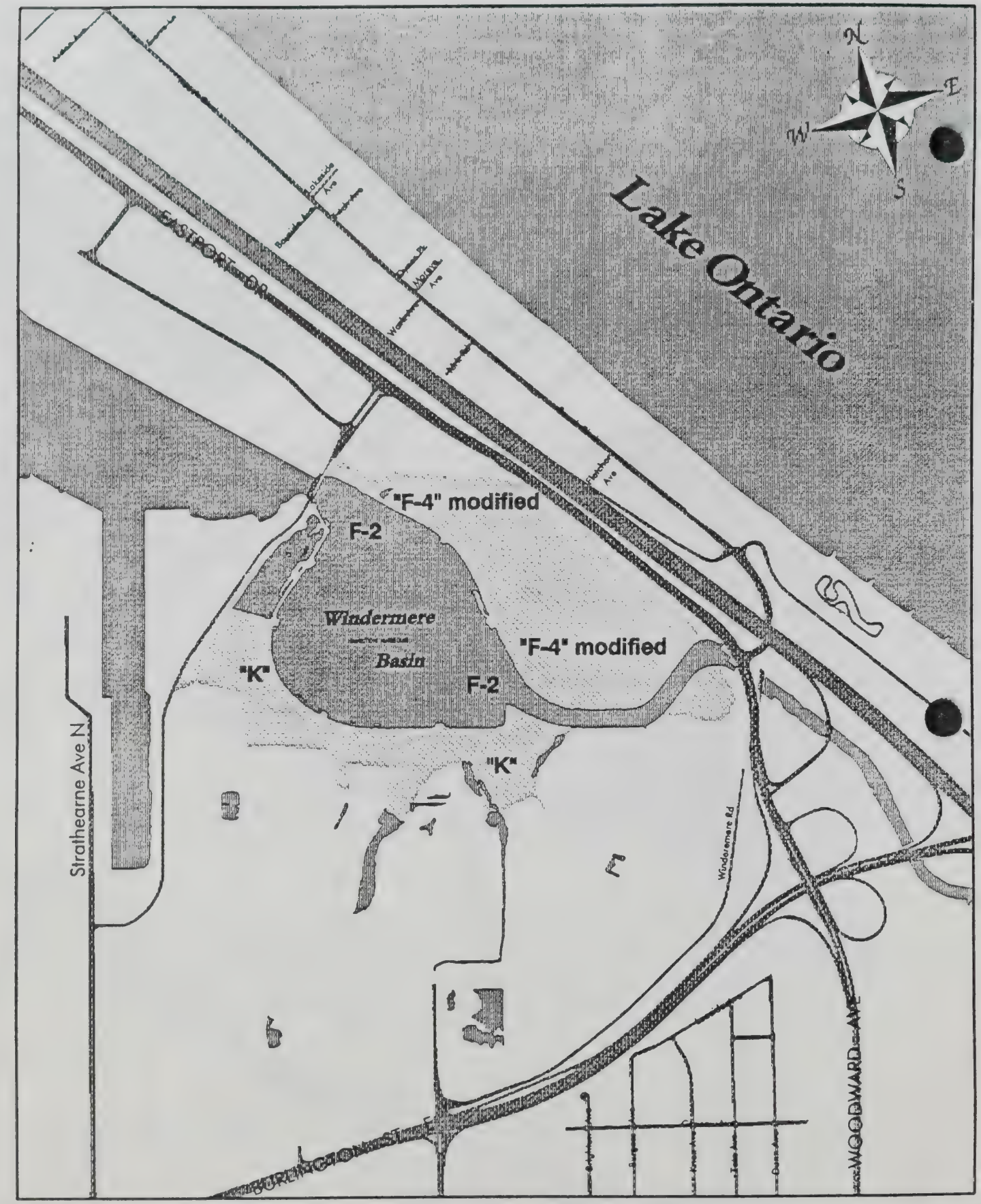
OPTION 1

NORTH

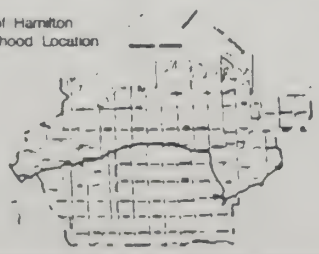
Latest Map Revision

WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

OPEN WATER

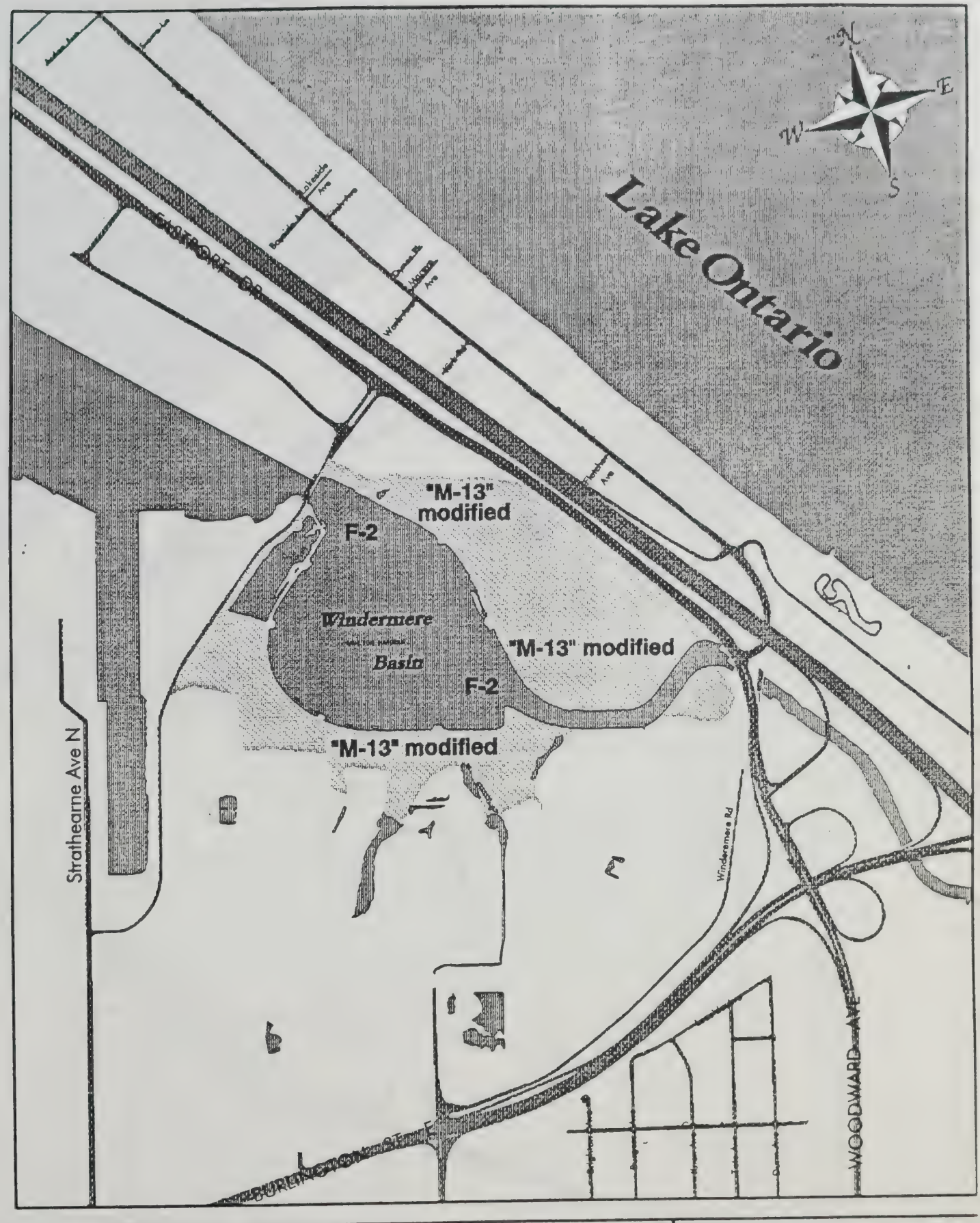
INDUSTRIAL

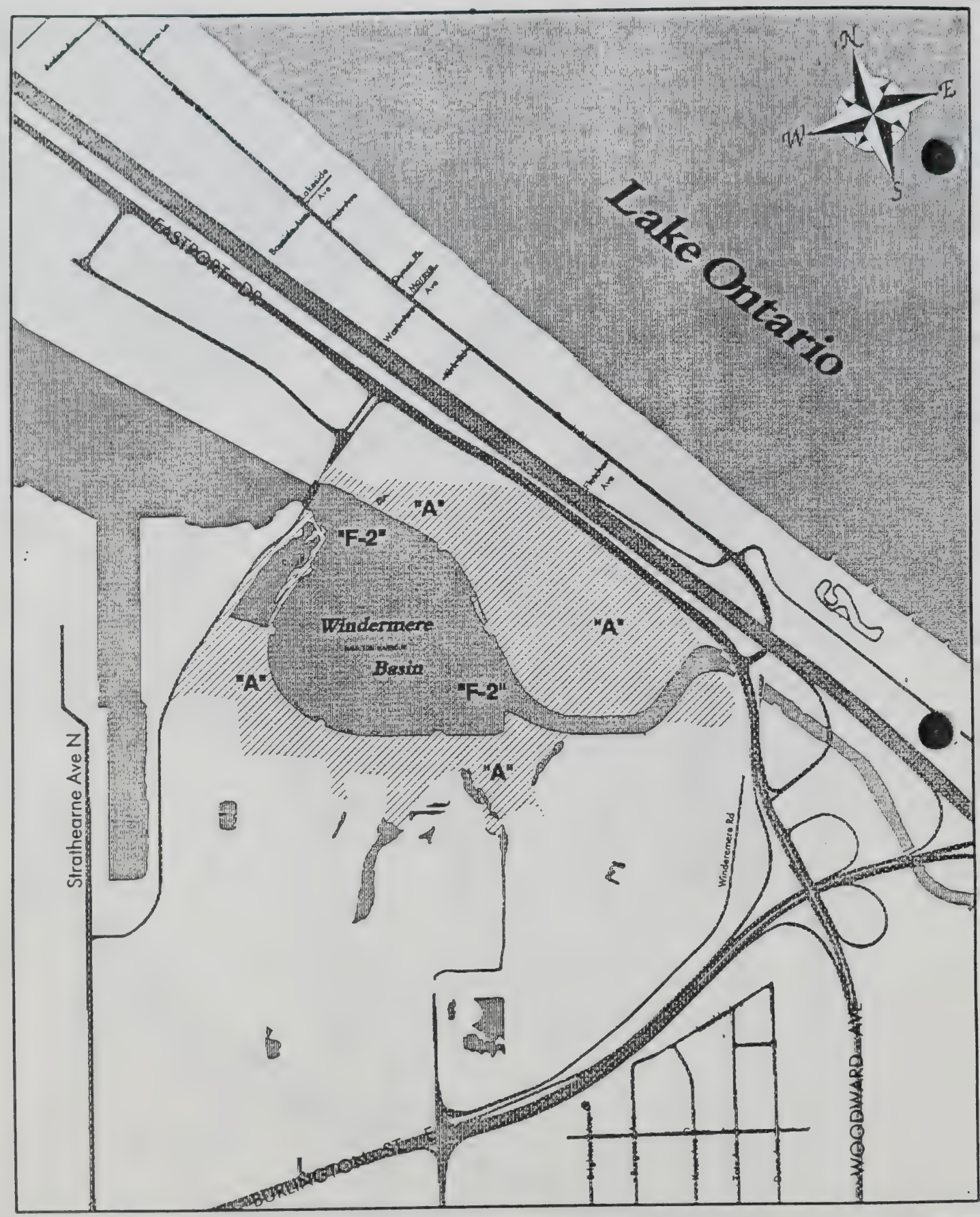
OPEN SPACE

OPTION 2

WINDERMERE BASIN ST

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON


N
E
W
S
Lake Ontario
Lakeside Ave
Burlington St E
Dunn St
Wentworth St N
Ottawa Ave
Hillcrest Ave
Tanner Dr
"M-13" modified
F-2
Windermere Basin
"M-13" modified
F-2
"M-13" modified
Strathearne Ave N
Windermere Rd
WOODWARD AVE
City of Hamilton
Neighbourhood Location
LEGEND
Official Plan Designation
OPEN WATER
INDUSTRIAL
OPEN SPACE
OPTION 3
WINDERMERE BASIN STUDY
SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



City of Hamilton
Neighbourhood Location

LEGEND
Official Plan Designation

OPEN WATER

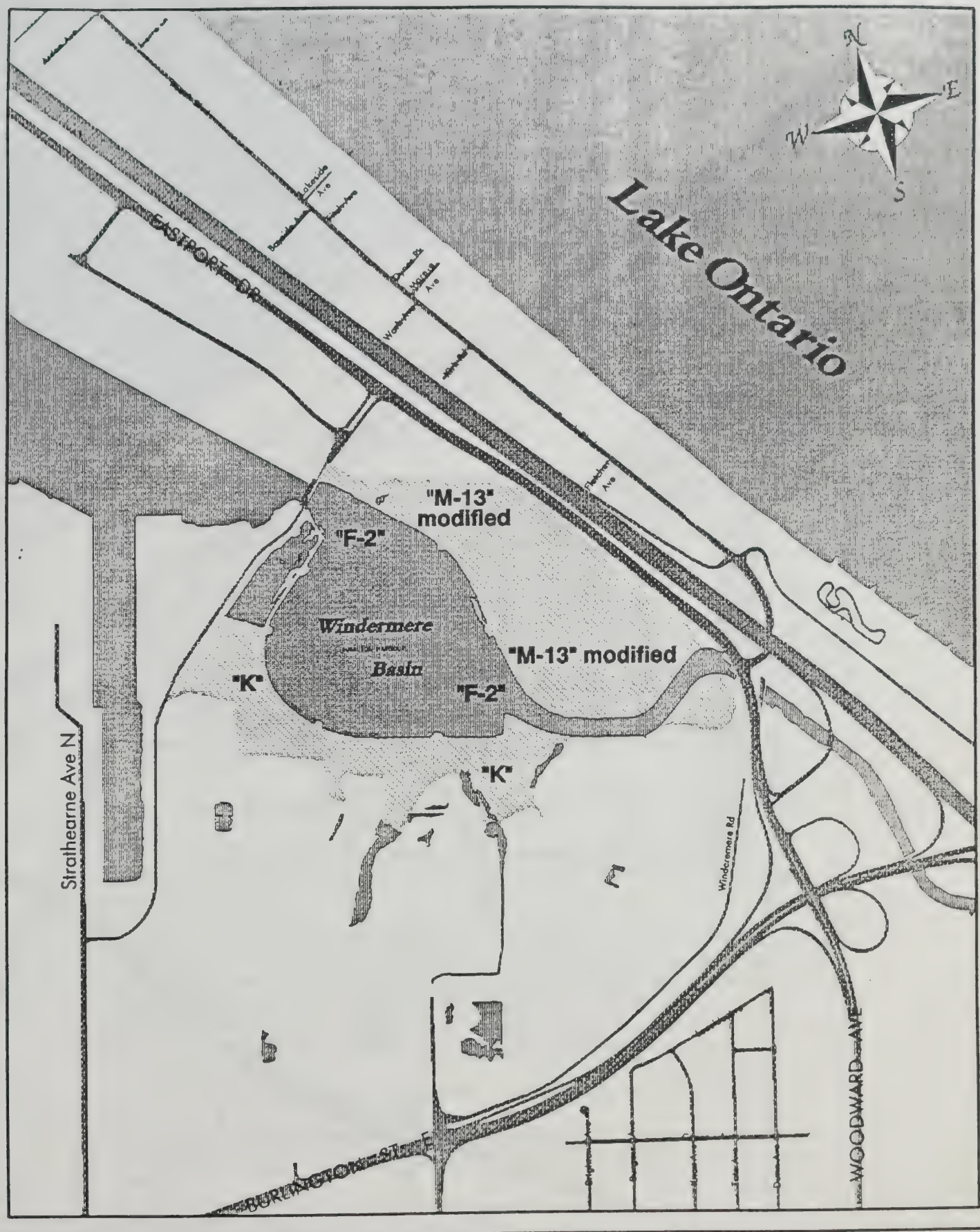
INDUSTRIAL

OPEN SPACE

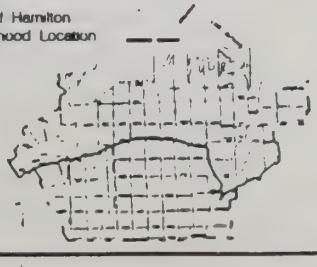
OPTION 4

WINDERMERE BASIN S

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

OPEN WATER

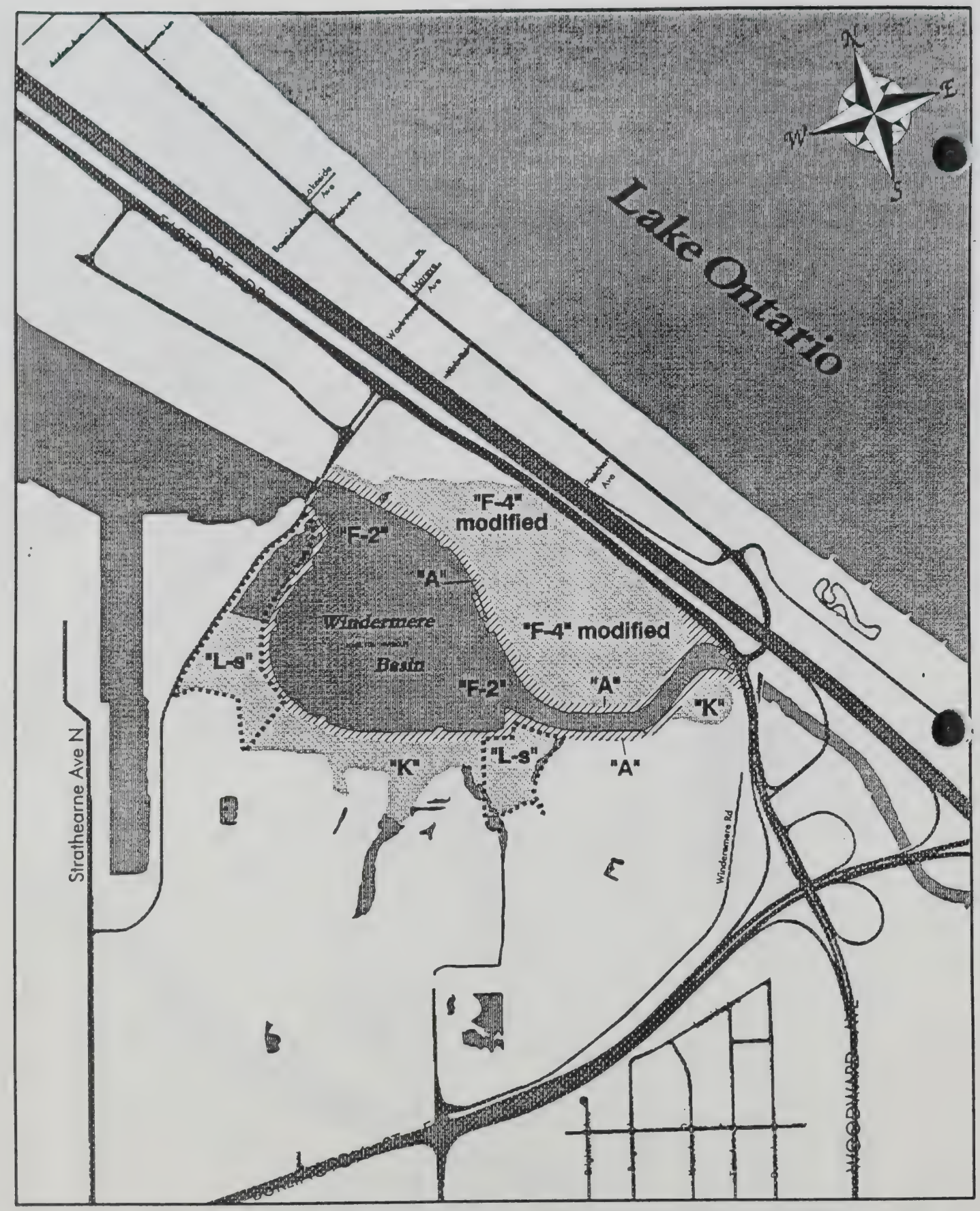
INDUSTRIAL

OPEN SPACE

OPTION 5

WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

OPEN WATER

INDUSTRIAL

OPEN SPACE

OPTION 6

North

Latest Map Revision

WINDERMERE BASIN STU

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON

Prepared by the City of Hamilton by the Planning and Development Department
Note: This is a working document. For zoning and legal purposes consult the City Building Department

APPENDIX "B"

WINDERMERE BASIN WORKING COMMITTEE

4. Land Use Options - Caroline Floroff Planning Department (City of Hamilton)

Comments from the Hamilton Beach Preservation Committee Inc.

Option 4 is the preferred option of the Committee.

The Positive Points speak for themselves and would certainly be the most beneficial to a Community in close proximity to the area in question. The preferred option would also blend well with the scope of work the RAP and BARC personnel are endeavouring to accomplish.

RESPONSE TO NEGATIVE POINTS

No economic benefits from job creation and tax base???.

Tourism - not only at the base location but through spin off benefits within the community would certainly create economic benefits.

Visitors Centre - would create jobs
Museum - would create jobs
Tour Boats - would create jobs.

Does not make efficient use of transportation opportunities or Harbour access?????.

Harbour Access for people enjoying the area and visiting the foregoing types of commercial venture would certainly make good use of access particularly when a tour boat business was implemented.

May create land use conflicts with existing industry????

This is only a possibility - the opposition from community at large would not be a problem. However, all other options would certainly create time consuming opposition from the Community.

OVERALL OPTION 4 IS THE ULTIMATE DESIRE - LETS MOVE FORWARD WITH VISION. IT WOULD BE DESIREABLE TO DO THE RIGHT AND PROPER DEVELOPMENT NOW RATHER THAN DESTROY AND REPAIR 25 OR 30 YEARS FROM NOW. MILLIONS WOULD NOT BE REQUIRED NOW IF ENVIRONMENTAL ISSUES AND KNOWLEDGE WERE IN PLACE 25 TO 50 YEARS PREVIOUS. THE BAY WOULD STILL BE SWIMABLE AND FISHABLE.

Options 1, 2 and 5 are unacceptable however Option 3 leaves room for discussion.

The foregoing comments were prepared by Marian Pacey, Chairperson, Hamilton Beach Preservation Committee and endorsed by Past Chairperson, Jim Howlett and President Frank Ryan.

June 10, 1997

Marian Pacey

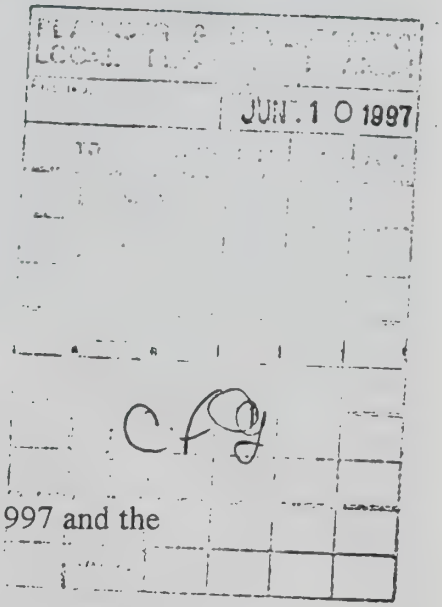
605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554

The Hamilton Harbour Commissioners

June 9, 1997



Mrs. Caroline Floroff, MCIP, RPP
Senior Planner
Planning and Development Department
Corporation of the City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario L8N 3T4

Dear Caroline,

SUBJECT: WINDERMERE BASIN STUDY
PRELIMINARY LAND USE OPTIONS REPORT

Further to the meeting of the Windermere Basin Committee on June 2, 1997 and the above referenced report, we have the following comments:-

1. We would confirm that Option 2 is the preferred option by the Hamilton Harbour Commissioners. As noted in the report, this option is a logical extension of the F-4 District and uses at Piers 25 to 27 and the northerly part of Windermere Basin (as shown on the attached plan) and the K District on the westerly side.

   It is noted in the report, that a negative point of this option is land use conflicts. We do not anticipate land use conflicts with these proposed zones and uses and would suggest that neither does the City by virtue of already agreeing to the F-4 District along Piers 25 to 27 and part of Windermere Basin.

   It should be clarified, that it is the Hamilton Harbour Commissioners' understanding that the official plan designation will be *Shipping and Navigation Uses*.

2. With respect to Option 4 (Open Space), it should be noted that the zoning of the area as Open Space will have little value in the community, since the Hamilton Harbour Commissioners, as owner of the property, has no intent of servicing, developing and using the area for the uses permitted under that zone. Moreover, from a planning perspective, the use of part of the site open space uses will not only create land use conflicts with existing and adjacent uses, but also with shipping and navigation uses (permitted as of right).

   We would anticipate that the section 45 requirements under the Ontario Environmental Protection Act would be a negative factor more so than under the other options.

From a planning perspective, is this truly a viable option when all factors are considered?

3. In terms of the options that provide for light or prestige industry on the site (i.e. Options 3 and 5), we have the following comments:-

- These options do not consider the demand for uses permitted under the F-4 District in this area of the City as conveyed to the Committee by the Commissioners and the Regions' Economic Development Department. Within the past six months, some 50 acres of EastPort land is currently under negotiation for lease to industrial or shipping and navigation uses. Because of this intense demand, the Windermere Basin site is currently being considered for shipping and navigation related uses.

- The options do not consider the original intent when the Hamilton Harbour Commissioners became a party to the Rehabilitation Project and installed services to the site.

- The following positive aspects of these options are also valid for Option 2. For example:
  - possibility to enhance tourist activities, if market conditions warrant such uses
  - "green entrance"

Should you have any questions on these comments, please call.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

J. Brookfield, MCIP, RPP
Port Planner

Enclosure

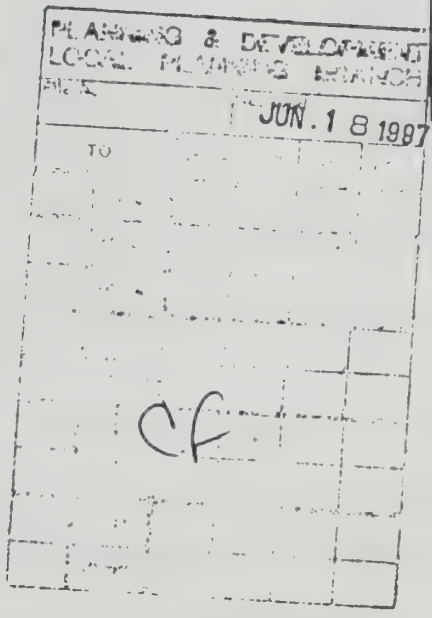
1:965

F-4 DISTRICT
STUDY AREA

Remedial Action Plan for
Hamilton Harbour



Hamilton Harbour RAP Implementation Office
Canada Centre for Inland Waters
867 Lakeshore Rd., P.O. Box 5050
Burlington, ON L7R 4A6
ph: (905)336-6279 fax: (905)336-4906
e-mail: Louise.Knox@ec.gc.ca
Michelle.Dempsey@ec.gc.ca
Harold.Murphy@ec.gc.ca



June 16, 1997

Ms. Caroline Floroff
City of Hamilton
71 Main St. West
Hamilton, ON
L8N 3T4

Re: Windermere Basin Study

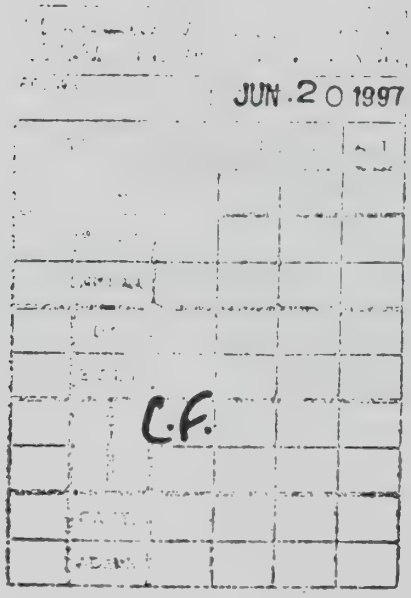
This letter will confirm that the Bay Area Implementation Team (BAIT) of the Hamilton Harbour Remedial Action Plan considers the city's "Option 2" in the City's study on Windermere basin to be a reasonable compromise among interests. It is understood that Option 2 includes a trail, viewing station (at the location where the creek opens up into the basin and on the south-west side), and a buffer zone.

Support for this option is conditional on human habitat in the community being protected from any negative impacts which might arise from any of the eventual land uses in the subject zone, and community input into the width of the buffer zone. Among the community organizations to be consulted are the Fish and Wildlife Habitat Restoration Project Steering Committee, BARC and Environment Canada.

Louise Knox
HHRAP Coordinator

HAMILTON NATURALISTS' CLUB

P.O. Box 89052
HAMILTON, ONTARIO L8S 4R5



June 17, 1997

Caroline Floroff, Development Planner
Planning and Development Department
City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

Dear Ms. Floroff:

Re: Windermere Basin Study - Preliminary and Preferred Land Use Options

The Hamilton Naturalists' Club (HNC) would like to thank the City of Hamilton Planning Department for the opportunity to comment on the above noted reports and offer the following comments for your consideration.

A. Preliminary Land Use Options

Background

The HNC has always regarded Windermere Basin as a very important wildlife habitat due to the presence of the last remaining original Hamilton Harbour marshes, a large embayment (which remains open in even the coldest winters when the rest of Hamilton Harbour and much of Lake Ontario are frozen), and rich mudflats supporting migratory shorebird populations.

In the Hamilton-Wentworth Natural Areas Inventory, Hamilton Harbour, including Windermere Basin was designated as a Significant Natural Area as it fulfilled three of the six primary evaluative criteria. Twenty-six species of birds have bred in Windemere Basin. Highly significant species noted in Windermere Basin included various species of breeding waterbirds such as Green-winged Teal, American Black Duck, Northern Pintail, and Common Moorhen (Heagy 1993, Dobos 1986, 1987a, 1987b; Gebauer et al 1992; Gebauer et al 1993). In addition, 868 pairs of Common Terns nested in Windermere Basin making it the largest ternery on the Canadian side of Lake Ontario (Moore et al 1995).

Windermere Basin is uniquely situated at the east end of Hamilton Harbour, at the mouth of the Red Hill Creek making it an important estuarine ecological corridor.

The connection with Red Hill Creek is particularly important for fish and wildlife, including 25 species of fish found in Red Hill Creek, most notably rainbow trout, brown trout, white sucker, and northern pike. The latter species was observed in 1996 near spawning grounds in the Red Hill Creek Marshes, immediately

upstream of Windermere Basin. It was in these marshes that Dobos (1989) noted the biological significance of the small, but productive Red Hill Creek Marshes/Van Wagner's Marsh class one wetland complex, site of the last black tern breeding record in Hamilton-Wentworth. Of general interest is an historical account of bird records gleaned from a 1946-1995 review of HNC Wood Duck newsletter (Evans 1995). For the area between the CNR railway tracks to the mouth of the Red Hill Creek and including Confederation Park in Windemere Basin, Evans notes a total of 194 species recorded!

Choice of HNC Preferred Land Use Option

In consideration of the above information, the HNC respectfully chooses to support Land Use Option 4 - Open Space.

B. City of Hamilton Windermere Basin Study Draft Preferred Option and Related Issues

As described above the HNC is desirous of an Open Space zoning throughout Windermere Basin, therefore, we respectfully disagree in principle with the City's preferred option, which incorporates 'F-4' Modified zoning with 'A' and 'H' components.

However, the HNC would like to commend the City Planning Department for proposing the use of an 'H' holding zoning on the west side of Windermere Basin. Our understanding is that the possible removal of the 'H' zoning would be dependant upon the completion of an appropriate environmental impact statement. We would like to suggest that the entire basin be designated an 'A' zone with an associated 'H' conditional zoning, in contrast to the City of Hamilton's 'K' zoning on the west side and 'F-4' zoning on the east side of the basin.

Specifically, the HNC agrees with the use of a vegetated screening buffer along the entire shoreline. The HNC requests the protection of habitat in cells 4-8 inclusive on the west side of the basin (until testing for contaminants demonstrates a clear negative impact on wildlife), and the protection of the common tern habitat present on the existing spur dyke. Other water, substrate quality, and habitat issues such as the characterization of contaminants in the open water and sediment trap locations, possible use of soft shoreline treatments to enhance littoral habitat, and the creation of additional spur dykes for common terns, with the possible addition of shorebird habitat on the lee sides of those dykes should be investigated. We note that it is imperative that a specific time line be identified for the investigation of these issues.

In terms of public access to Windermere Basin, the HNC agrees in principle with the proposal of limited access to the area from Eastport Drive to the point of land adjacent to cell eight, An appropriate distance from the nearby common tern colony on the spur dyke will be required to protect the birds. The HNC has agreed to tour the site with the HHC to provide detailed comments on public access for nature observation.

C. Additional Comments

A review of comments from Working Committee members suggests a wide range of opinions on the future land use of Windermere basin. In an attempt to seek solutions to the impending impasse, the HNC would like to suggest the establishment of a mediated discussion targeted at investigating other possible compatible land uses such as the new option identified by the Regional Environment Department (June 16, 1997 memo from G. Wilson to C. Floroff). From our understanding, recent work of this type performed by the

Waterfront Regeneration Trust in the West Side Marsh - St. Marys Cement land use dispute provides our group with an excellent model to work from. The HNC will be making contact with the Trust to investigate in what manner they would consider becoming involved with this issue. It is anticipated that a formal invitation from our Working Group, led by the City of Hamilton, may be required for the Trust to feel comfortable in getting involved.

In summary, the HNC is committed to continuing to participate in the Working Committee, as we work together to design a suitable land use plan for the regionally significant habitat we know as Windermere Basin. Thank you once again for the opportunity to comment on the City's land use options for Windermere Basin. Should you have any questions about the HNC's position on Windermere Basin, please do not hesitate to contact Brian McHattie, HNC Conservation Committee, at 540-1441.

Yours truly,

Betty Blashill

Betty Blashill, President

c.c. Sean Morley, HNC Conservation Director
c.c. All Members of the Windermere Basin Working Committee

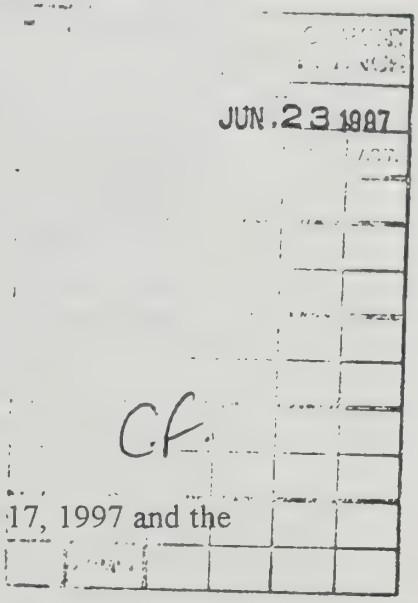
05 James St. N.
amilton, Ontario, Canada
8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554

The Hamilton Harbour Commissioners

June 19, 1997



Mrs. Caroline Floroff, MCIP, RPP
Senior Planner
Planning and Development Department
Corporation of the City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario L8N 3T4

Dear Caroline,

SUBJECT: WINDERMERE BASIN STUDY
CITY PREFERRED LAND USE OPTION

Further to the meeting of the Windermere Basin Committee on June 17, 1997 and the above referenced report, we have the following comments:-

1. It is unfortunate that much discussion by Committee members has revolved around the capping program on the south and west sides of the Basin. This type of discussion does little to advance discussion on land use planning matters.

   However, for your information, we have enclosed an excerpt from the Initial Assessment For the Partial Dredging and Filling of Windermere Basin prepared under the Federal Environmental Assessment and Review Process dated July 13, 1988. This excerpt (page 70) states that it is a requirement of the project to cap Cells 4 through 8 with one (1) metre of clean material. Contrary to suggestions made at the meeting, there is no interpretation or subjectivity involved in this requirement.

   It is also clear in the EA (page 114) that only after the Windermere Basin Rehabilitation Project is complete (which includes all capping), will fish and wildlife habitat initiatives may be examined. Furthermore, the Hamilton Harbour Remedial Action Plan makes several references to Windermere Basin being inappropriate habitat for fish and wildlife until such time as contaminant inputs are reduced.

   In this respect, the capping requirement will continue and the Windermere Basin Study report should reflect this.

2. We agree with the City's preferred Option 2 subject to the following comments and provisos:

   - it is the Commissioners' understanding that the land use designation should be Shipping and Navigation Uses

   - Alternative 1 is the Hamilton Harbour Commissioners' preference. Alternative 2 (being the F-4 District as agreed under the Minutes of Settlement, but with certain uses deleted) is not acceptable to the Commissioners. We believe that the full list of F-4 uses is appropriate in the context of current market demands at EastPort and in the region as well as surrounding land uses (*i.e.* National Slag, Stelco and Philip Environmental to the south; "K" and "F-4" Districts to the north, Queen Elizabeth Way to the east).

   - it is our understanding the Open Space "A" District along EastPort Drive at Red Hill Creek would be on property owned by the Province on the area occupied by the landscape berms on Hamilton Harbour Commissioners' property.

3. We suggest that Alternative 1, besides being one of the preferred options of the City, has additional support as follows:

   - those groups and agencies who have taken a broader, more objective and balanced approach to sustainable development and environmental rehabilitation in the City, such as the Bay Area Restoration Council (comprised of a cross-section of members of the community monitoring the Remedial Action Plan) and the Bay Area Implementation Team (implementors of the Remedial Action Plan), appear to support the Hamilton Harbour Commissioners' preferred option as a sound compromise.

   - while the Canadian Wildlife Service has some desire to further examine Cell 8 from a contamination perspective and future wildlife values, it would appear to not object to the Commissioners' preferred alternative.

   - Stelco and Philip Environmental (as the adjacent landowners) support the Commissioners' alternative.

4. With respect the proposal for the holding symbol ('h') on the southerly and westerly sides of the Basin, we no not feel that this is an appropriate use of the provision. As a stakeholder in the Hamilton Harbour Remedial Action Plan, we are accustomed to, and have had great success in, developing strategies for achieving the RAP goals as a partner and not through regulation. Examples of this success include:

   - co-operation with academics and the Canadian Wildlife Service in maintaining and developing the common tern habitat in the Basin;

- co-operation with academics and the Canadian Wildlife Service in other migratory bird habitat at Piers 26 and 27;

- contribution to fish and wildlife habitat structures elsewhere in the Harbour;

- various open space areas around the Harbour created by the Commissioners or in partnership with others.

The holding symbol will, in all likelihood, be difficult and confusing to administer and provides no predictability to future land use. This Study was intended to bring a conclusion to the issue of land use and the holding provision will only serve to perpetuate the ongoing problem of uncertainty.

Based on the forgoing, we do not support the use of the holding provision in this case; in our view there are better approaches. Finally, in our view, attempting to regulate these types of interests through the City's zoning by-law will be counterproductive to implementing the RAP and Vision 2020.

Should you have any questions on these comments, please call.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

J. Brookfield, MCIP, RPP
Port Planner

Enclosure

1:970

be diverted around the south and west sides of the basin. Hydraulic dredging of the basin will then proceed with sediment being deposited in the two north easterly Cells No. 2 and 3. The dredging will take place in a double closed loop system with the dredge pumping first to Cell No.2 and then Cell No.3 with the decant water flowing back to the working area. This operation will continue with both Cells No. 2 and 3 being used alternatively until the most contaminated sediment has been removed from the open water area of the basin.

During stage III (Figure 12), the berms will be modified to route flow through the basin while the final depths are dredged and the dredged sediment is deposited in the Cells No.4 through 8 located along the south, west and northwest sides of the basin. This would then be a single closed system with the flow passing through the work area and the weir serving as a barrier to intercept bedload sediment

The confined disposal area Cells No. 1, 2 and 3 will be permitted to self-consolidate throughout 1989. Cells No. 4 through 8 will be filled during 1989 and allowed to dewater until the winter period of early 1990. During the early part of 1990 when a crust freezes over the cells, the Hamilton Harbour Commissioners will undertake to place a 1.0 metre cap of clean material over the dredged material in the confined disposal area cells. The capping material will be dumped along the cell berms and worked in toward the centre of each cell using a bulldozer. The work will proceed on several cells concurrently at a rate that permits frost penetration of the placed capping material such that adequate strength is developed in the cap to support the equipment being used in the capping operation. Following the completion of the capping procedures, the weir will be removed and the water levels in the basin permitted to fluctuate with the level of Hamilton Harbour (i.e. the natural state).

HAMILTON-WENTWORTH REGIONAL PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH BRANCH

MEMORANDUM

TO: Caroline Floroff, Planner
Hamilton Planning Department

FROM: William Hunter, Director
Environmental Health Branch

EMAIL: whunter@hwdphs.hamilton.on.ca
PHONE: (905) 546-3571

DATE: June 23, 1997

SUBJECT: Windermere Basin Study

The land use options which were offered for consideration at our meeting of June 2, 1997, have been reviewed from the perspective of this department. Option 4 (open space) is considered to be that which would have the least impact on the environment.

Since it is understood that this option may not be considered suitable by other stakeholders, a hybrid of options 2,3 and 4 could be considered. This would comprise a mixture of open space and industry (preferably light) and may be more economically viable.

Whichever option is selected, it is recommended that a holding designation be placed on the zoning to permit additional studies which can identify the nature of the contaminants present and determine the level of contamination as well as potential remediation measures. This information would then allow the final zoning category to be put in place.

It is also recommended that the impact of any incoming industry be considered not just on its own merits but from a synergistic perspective.

I hope these comments are helpful. Please feel free to call if you require any clarification.

A:\WINDEMER.BAS

PHILIP
ENVIRONMENTAL

Ms. Caroline Floroff, MCIP, RPP
Senior Planner
Planning and Development Department
City of Hamilton
71 Main St. West, 7th Floor
Hamilton, Ontario
L8N 3T4

Dear Mr. Floroff:

RE: Windemere Basin Study
Preliminary Land Use Options

As requested, we are submitting our comments on the proposed land use options for the lands around Windemere Basin. We apologize for any inconvenience caused by the delay in our response.

OPTION 1 - Heavy Industry, Both Sides

This option is acceptable. It will provide room for any future expansions our operations and will restrict public access to our facilities.

OPTION 2 - Heavy Industrial West Side, Light East Side

This option is also acceptable as it provides the same benefits as Option 1.

OPTION 3 - Light Industrial, Both Sides

This option is not acceptable because it may restrict expansion potential for our property.

OPTION 4 - Open Space, Both Sides

This option is not acceptable because it will restrict expansion potential for our property.

We are also concerned that by zoning the west shore of Windemere basin as open space, the city will allow public access to the west of Windemere Basin. As a heavy industrial uses, our facilities may conflict with public access because they are unattractive and may create nuisance effects such as noise, odours and dust. Although we are diligent to address the nuisance issues related to our operations, there are times when our operations may impact adjacent properties. Consequently, by allowing public access to the Windemere Basin our facilities may be subject to land use conflict issues (complaints, security concerns, etc.). As discussed at the last committee meeting, providing restricted access to a small observation area along the south shore may be

possible provided that potential conflict issues are properly addressed. However, we must emphasis that we would not be able to support any land use changes that increases the likelihood of land use conflicts.

OPTION 5 - Heavy Industry, West Side; Light Industry, East Side

This option is acceptable as it provides expansion potential for our facilities. To address the concerns raised by the representatives of the Beach Strip Community, The Naturalist Club and the Conservation Authority relating to wildlife habit protection, it was proposed that this option be modified to include a restricted access open space buffer around Windemere Basin. As stated under option 4, we would have concerns about potential conflicts with public access and our operations.

OPTION 6 - Heavy Industry, West Side; Light Industry, East Side

We understand this option is essentially option 5 with a provision to place a holding designation on the west shore. Philip supports the preferred alternative because it provides us with an ability to expand our operations however we have concerns over the holding provision. Without a clear process to remove the holding designation, the City may render the west shore of Windemere basin "undevelopable". Without a clearly defined process, the studies can continue indefinitely. We would prefer a "K" zoning with no holding provision.

If you have any questions about our comments, please contact me at (905) 548-5780.

Sincerely,

Joseph R. Lyng
Manager, Technical Services
Landfill Division
52 Imperial St.
Hamilton, Ontario L8L 7W2

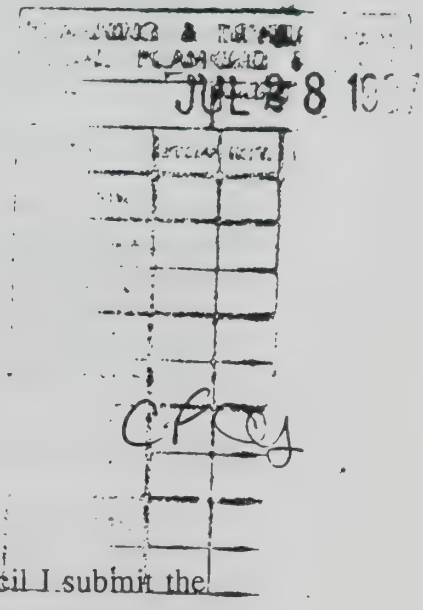
T: (905) 548-5780 F: (905) 547-3513

c.c. Jeff Brookfield
HHC

jp/bd
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BAY AREA RESTORATION COUNCIL
OF HAMILTON-WENTWORTH AND HALTON REGIONS INC.

Room B130F, Life Sciences Building, McMaster University, Hamilton, Ontario L8S 4K1
Telephone (905) 525-9140 Ext. 27405 Fax (905) 522-6066



July 21, 1997

V. J. Abraham, Director
Planning and Development Dept.
City of Hamilton
71 Main St. West
Hamilton, ON
L9A 3T4

Dear Sir:

Re: WINDERMERE BASIN STUDY

On behalf of the Board of Directors of the Bay Area Restoration Council I submit the following comments:

As previously indicated, BARC is recommending pedestrian access and a viewing area at the south end of the basin with a path along Red Hill Creek from East Part Drive to the basin and a "soft" shore treatment with appropriate buffer along the shore for the entire basin.

Your second option proposing heavy industry on the west side and "F-4" Modified on the east side is reasonable for the area. Reasonable buffering along East Port Drive and along the shore line should be included in the regulations.

The Hamilton Naturalists' Club proposed that part of the existing wetlands on the west side be preserved as a bird feeding area at the June 2 meeting. This proposal is supported by BARC.

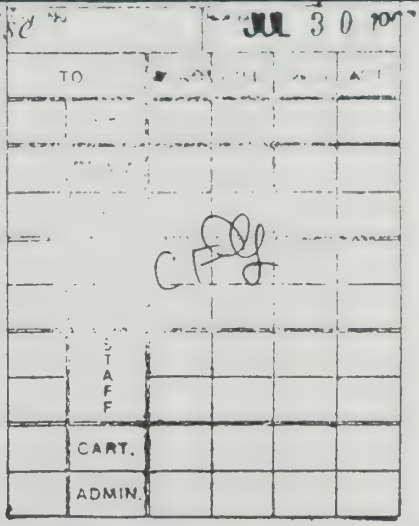
Yours truly,

Keith Rodgers,
President of BARC

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FISH&WILDLIFE HABITAT RESTORATION PROJECT

Hamilton Harbour and Cootes Paradise



July 29, 1997

Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development
City of Hamilton
71 Main St. West
Hamilton Ontario, L8P 4Y5

Attention: Caroline Floroff

RE: Windermere Basin Study

Dear Caroline:

Thank you for circulating the June 1997 study. I have reviewed the study and will be recommending to the Fish & Wildlife Habitat Restoration Project Steering Committee that they support "Option 6".

During the spring several meetings were held with the staff of the Hamilton Habour Commissioners, Environment Canada, Remedial Action Plan and the Fish & Wildlife Habitat Restoration Project. On June 12th, 1997 agreement was reached to pursue the following initiatives to create permanent wildlife habitat in Windermere Basin.

East and West Perimeters (Shorelines)

- 8+ metre (30 foot) set back from the waters edge (76.0 metre elevation) to lot lines with the potential to provide widening triangles where lot line configurations permit. This strip is Hamilton Harbour Commissioners' property and has the potential for reconfiguration to create habitat along the shoreline.
- 7.5 metre (minimum) landscaped buffer strip within the rear yard of industrial lots abutting the Windermere Basin perimeter to add to (complement) the above strip.

Cell 8

- Hold off finalizing lot lines now and carry out contaminant sampling of bottom sediments.
- Prepare realistic plans to provide 1 – 2ha of wetland/shorebird habitat and grade and cap to provide this habitat as necessary.
- Look for a partner for 20 year lease to operate.

A BETTER PLACE TO LIVE

605 James Street N. (3rd floor) Hamilton, Ontario L8L 1K1

Tel. (905) 521-9334 Fax (905) 528-6282

Trail and Lookouts

- Walkway trail and lookout along southwest shoreline terminating in area of cell 8 for viewing of first spur dike. Find partners for a 20 year lease.

Spur Dikes

- 2 new spur dykes and rehabilitate existing one; and incorporate shorebird habitat on lee sides

The above initiatives are considered to be realistic wildlife enhancements to Windermere Basin. Option 6, as set out for the official plan, accommodates these. Fish habitat may at some time be added to the water basin but this will depend on the quality of sediments accumulating in the basin over time. Windermere Basin is the recipient of the Woodward WWTP, combined sewer overflows, landfill site leachate, urban storm water runoff and the Red Hill Creek Expressway. While it is difficult to imagine, it is hoped that at some time in the future, Remedial Action Plan and Watershed initiatives will result in improved water and sediment quality and Windermere Basin will be clean enough to permit it to evolve into an estuary marsh.

I trust these comments are of assistance.

Yours truly

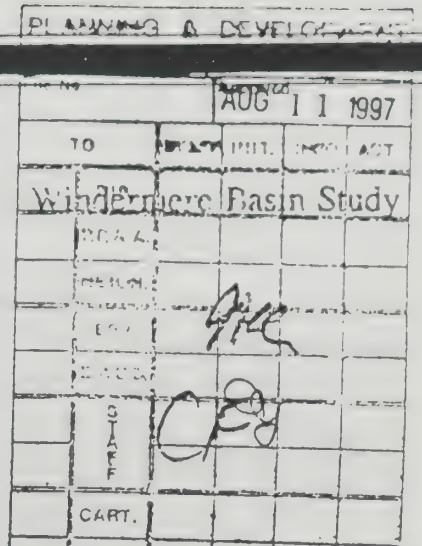
Kathy Trotter

John D. Hall, M.C.I.P., R.P.P.
Project Manager

CC: Victor Cairns, Chairman F&WHRSC
Donna Stewart, Environment Canada
Louise Knox, RAP Coordinator
Jeff Brookfield, Hamilton Harbour Commissioners

FILE P06 – GE
WORD P06 HAMILTON STUDY

Hamilton Region Conservation Authority



August 5, 1997

Caroline Floroff
Development Planner
Planning and Development Department
City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

Dear Madam:

Re: Windermere Basin Study

Staff of the Hamilton Region Conservation Authority have reviewed the above noted report dated June 1997 and offer the following comments for your consideration.

Through our involvment in the working committee for this study, Authority staff identified a variety of issues that needed to be considered as part of the development and review of potential land uses in the Windermere Basin Study Area. These issues related to water quality, open space, public access, viewsheds and environmentally significant areas. Our comments regarding this project relate to these issues and the Authority's mandate as outlined in the Conservation Authoritiesd Act.

The options identified as part of the Windermere Basin Study address the above noted issues in varying degrees. The position of Authority staff regarding Options 1 through 5 are outlined in a letter dated June 9, 1997. Option 6 has been developed by City of Hamilton staff based on the input received from the working committee regarding the initial 5 options. The "Preferred Option", which is essentially the same as Option 6, is a further revision based on input from the working committee.

The preferred option addresses the concerns of Authority staff highlighted in our letter dated June 9, 1997. It seeks to achieve a balance concerning the ultimate landuse in this area and incorporates open space features. Where Option 3 provided the best opportunity for balance, the preferred option goes a step further and incorporates the issues raised by Authority staff at the start of this process, specifically, the open space issue.

While Authority staff support the preferred option, it should be noted that the amount of open space should be increased. The greater the open space area, the greater the buffer between the basin and the industrial uses to the south. An increased open space area over that which is proposed may increase the natural appearance of this area, improve aesthetics and create a greener eastern entrance to the City of Hamilton. Increased open space will further enhance the opportunity for public access to the

areas identified as suitable by the working commitee.

The issue of water quality needs to be addressed. The open space areas may provide the opportunity to buffer surface water entering the basin (i.e. man made wetland areas) from the adjacent industrial areas. Initiatives such as the Remedial Action Plan have strived to improve water quality in Hamilton Harbour, however, these water quality initiatives are generally beyond the scope of the Windermere Basin Study. In this regard, the development of the lands adjacent to the basin should seek to improve water quality in the study area. A stormwater management plan should be developed for the entire study area to ensure current stormwater quality initiatives are implemented when these lands area developed.

Should you have any questions regarding this matter, please contact Mr. Scott Peck, Environmental Planner, at (905)648-4427, ext. 132.

Sincerely,

B. Scott Konkle, O.A.L.A.
Director of Watershed Planning and Engineering.

BSK/TSP/tsp

Floroff, Caroline

From: Wilson, Gary
To: Floroff, Caroline
Cc: Chajka, Eugene; Pearce, Bill
Subject: Windermere Basin Study
Date: Tuesday, August 12, 1997 9:13AM

In a memo sent to you on June 16th, the environmental significance of this area was outlined and a possible modification to the options was suggested which could afford more protection for the environmental features of the basin area. While the preferred option (#6) does not reflect all of the proposed revisions, it provides appropriate protection and some flexibility to allow for more open space ares in the future.

Therefore, Option #6 can be supported. It is assumed that additional buffering/protection can be considered during the site plan approvals process at the local level when development applications are reviewed.
It is noted that the width of the open space band around the basin has not been established and it is important that this area at the waters edge be maintained in sufficient width to provide adequate protection for wildlife habitat. A standard setback along the water may not be appropriate and may need to be varied depending on the situation.

It appears that infrastructure in the area is in place to facilitate development which is anticipated in all of the options and the roads situation has been addressed in a memo from Eugene Chajka to V. Abraham dated June 26th.

These comments along with the previous memos summarize our position regarding the options being proposed for the Windermere Basin. It is my understanding that a Public Meeting is to be held on Sept. 24th and another meeting of the Working Committee is to be scheduled for Sept 15th. If you have any questions or require additional input prior to our meeting, please call me at 4320.

Floroff, Caroline

From: Hubbard, Pam
To: Floroff, Caroline
Cc: Scanlon, Mary Ellen
Subject: Windemere Basin Study
Date: Friday, August 22, 1997 4:17PM

Thanks for the opportunity to comment on the above study. Since we began the Red Hill Creek Watershed Plan the stakeholders have decided that the Windemere Basin is within the watershed because it is logically and historically the estuary of the Red Hill Creek. Apparently the RAP did not consider Windemere part of the Harbour.

What does this mean for your study? You may want to be aware of the issues and options that are being developed for the Watershed from various working groups. In September we will be developing actions and targets for the issues. At this point Windemere has been identified as a concern because it is the recipient of all of the upstream influences, in particular, the sediment. , and because it is an important ecological link between the Red Hill Marsh and the Harbour for both aquatic and terrestrial wildlife as well as a potentially important trail link. We don't anticipate that a lot of effort will be expended on windemere in this version of the Plan but it could be the focus of future efforts. For example RAP is interested in doing some future work here and the Watershed Plan helps to provide a framework for that work.

Specific Questions and Comments:
* in section 5.0 you talk about the contribution of the STP and the creek to base flow, sediment etc. You may want to check these statements withe hydrological studies we have done for the watershed. Ron Scheckenberger from Philips PLanning and Engineering is doing this work. You also indicate that the Creek is responsible for all of the sediment. I'm not sure (you should check with Ron) but I think that our study found that the STP is the major source of sediments, not the creek.

* section 7.0 - I am assuming you have checked with the Regional Roads Division (G. Aston or T. Gill) re: regional road commitments.

* section 8, page 13. Has the buffer strip any ecological basis? As indicated, there should be input from ecologists on this. Is there any evidence to show how much sediment enters the Basin from storm sewers west and north of Burlington Street? Again, I'm wondering how much of the sediment is from the STP and storm sewers north of Burlington Street.
p.16 - the issue of demand for heavy industrial uses is presented as questionable. The Expressway for example is likely to result in the removal of heavy industrial land is the Nash Road area and those industries will likely be seeking alternative sites in the vicinity.

* urban design section page 17. THere is conflicting reference to the quality of wildlife habitat., We have been talking with BRuce Duncan and John Hall about restoration opportunities in this general area (Red Hill Marsh, van Wagner's and their linkage to the Harbour via Windemere Basin. The major focus of the restoration will be improving habitat for fish species and bird breeding. I don't know at this point what role Windemere Basin could play.

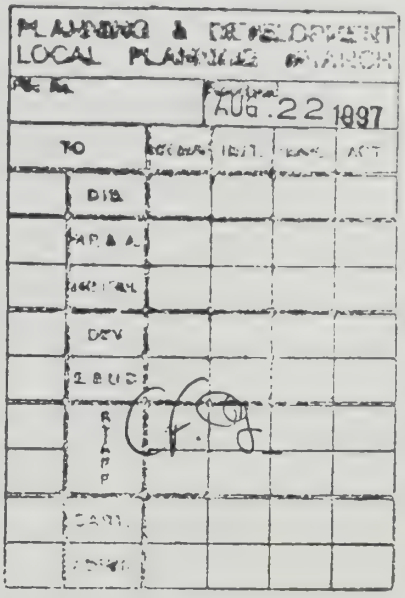
I hope these are helpful comments. Please call if you have any further questions or want additional information on the watershed. For your information on the Watershed Plan we will be meeting with our six working groups in September to refine the issues and options, develop targets and a list of actions that can be carried out. WE hope to have a joint working group and stakeholder meeting in early October. We will be introducing the project to the general public in September with a newsletter and some forums for public feedback.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Regional Environment Department
35 King Street East
Hamilton, ON L8N 4A9

Phone (905) 546-4186
Fax (905) 546-4364

CIRCULATION RESPONSE
WINDERMERE BASIN STUDY



AREA MUNICIPALITY: HAMILTON

YOUR APPLICATION No.: OP-HAR(M)

ASSOCIATED ZONING BY–LAW APPLICATION No.:

LOCATION: Hamilton Harbour

NATURE OF APPLICATION: Windermere Basin Study

Conformity:

SEE COMMENTS

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and adjacent to "Environmentally Significant Areas (ESA), No. 50 - Van Wagner's Ponds", in the Hamilton–Wentworth Official Plan (H.W.O.P.).

From the information outlined in this study the subject lands have the potential of site contamination. Since there are various development options for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P. (Policies attached).

Also, since the subject lands are adjacent to the above noted ESA, Policy C-1.1.2a)b) of the H.W.O.P. states that proposed land use changes in or adjacent to ESA's will be referred to the Envirionmentally Significant Areas Impact Evaluation Group (ESAIEG) for review. ESAIEG will advise Regional Environment Department staff on whether the proposed changes meet Policy C-1.1.2(a) of the H.W.O.P.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands has potential for site contamination, the application requires further demonstration of how it has regard for the following PPS policies:

3 PUBLIC HEALTH AND SAFETY

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, approval of any of the options including a park and/or open space, should be conditional upon the following:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

Signed: Guy Paparella

1997 August 20

Guy Paparella, MCIP, RPP
Division Head, Development

Form CRO/FK

dealing with this issue it must be realized that substantial savings in energy consumption can result from improved conservation practices. The Region is committed to energy conservation and will:

2.2.1 Facilitate energy conservation by:

a) incorporating energy conservation practices in the design, construction and operation of Regional capital works and equipment, and request that similar actions be undertaken by the area municipalities;

b) promoting compact urban form;

c) developing and applying energy conservation criteria to assist in the evaluation of private and public undertakings of regional significance; and,

d) encouraging public and private agencies, industrial/ commercial operations, and individuals to participate in energy conservation programs.

2.2.2 Promote innovation in housing design to facilitate the construction of energy efficient housing and encourage and promote the utilization of solar energy for space heating, where feasible.

2.3 Contaminated Site Remediation

Contaminated sites are a legacy of the past, whose impacts are becoming more apparent as these sites are proposed for redevelopment.

Identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. In concert with remediation efforts, the Region will:

2.3.1 Require proponents of development/ redevelopment proposals to document previous uses of the property(s) affected by the proposal, where a potential exists of site contamination.

2.3.2 Undertake the following where development/redevelopment is proposed for lands currently or previously used for industrial, transportation or utility purposes, but excluding electrical transmission and utility corridors;

a) defer or establish conditions of approval for applications involving official plan amendments and subdivision approvals, where site remediation may be necessary;

b) require the proponents to submit a professional analysis of soils on the site in accordance with Ministry of the Environment and Energy requirements. The analysis will determine the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health and proposed methods to remediate the hazard;

c) not give final approval for an application until notification is received from the ~~Ministry of Environment and Energy~~ appropriate authority that the decommissioning process has been

satisfactorily completed. In the interim, conditional approval may be considered; and,

d) require that Area Municipal Official Plans contain policies regarding contaminated site remediation.

2.3.3 Require the Area Municipalities to undertake the following actions when dealing with former private and public landfill sites:

a) identify former landfill sites in their respective Official Plans as Landfill Constraint Areas; and,

b) refuse to grant land use changes in Landfill Constraint Areas, unless the Ministry of the Environment and Energy, pursuant to the Environmental Protection Act, provides permission in writing that redevelopment may be allowed to proceed or remediation has taken place.

2.3.4 Require the Area Municipalities, in co-operation with the Ministry of the Environment and Energy and the Regional Department of Health Services, to establish distance separation criteria to protect residents from new land-uses which could pose health or safety hazards.

3 SHELTER

The provision of an adequate supply of housing is dependent on many factors such as land supply, planning controls and the economy. It involves many participants including the development and construction industries, all levels of government, financial institutions, public non-profit development corporations, and other community-based housing advocate agencies, groups and individuals.

In attempting to ensure the availability of a full range of adequate and affordable housing and to encourage coordination among housing providers to address housing needs, the Region will:

Regional Responsibilities

3.1 Prepare, every five years, a Regional Housing Statement in consultation with the Area Municipalities, the development industry, other relevant agencies and the community. Area Municipal Housing Statements should be subsequently prepared, using population and household projections consistent with those established in the Regional Housing Statement.

3.2 Establish in a Regional Housing Statement annual targets for a variety and mix of housing types including affordable housing, which are in accordance with demonstrated need and distributed throughout the Region. The statement will:

a) establish annual housing targets for the total number of new housing units by type and tenure;

b) establish annual housing targets for government assisted housing units, for those people whose housing needs are not expected to be met by the private sector; and,

SEP 09 1997

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO: V.J. Abraham
Director of Planning and Development
Planning and Development Department
Attention: Caroline Floroff

YOUR FILE: CKS

FROM: R. W. Chrystian
Manager of Parks
Department of Public Works and Traffic

OUR FILE: 97.
PHONE: 546-4334

SUBJECT: Windermere Basin Study

DATE: 1997 September 8

Apologies for this belated reply. From our review of the Windermere Basin Study, we note that two of the six options plus a preferred option include an open space designation for all or part of the study area with corresponding zoning categories proposed for the purposes of guiding future land use.

While we offer no comments relative to the appropriateness of one land use option over another, we note that the report is silent on the matter of open space development beginning with identification of lead agency/department for such items as project design, capital budget submissions and construction. The timing of development and subsequent operational/maintenance requirements present additional questions.

While I appreciate that the present study was not intended to address such details as noted above, these are the types of issues that may very well come up at your scheduled public meeting and it may therefore be in order to give some consideration to this later phase of the planning process at this time.

Please do not hesitate to call should you have any questions or require clarification.

RWC/mc

cc: W. Plessl, Co-ordinator, Park Development and Maintenance

Ken Roberts
C.E.O.
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 September 24
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

REMINDER: **PUBLIC MEETING - 7:30 O'CLOCK P.M.**

re. Windemere Basin Study

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Subdivision Application 97-03, by Pasquale Campea and Angelo Loro, owners, for approval of a plan of subdivision "Brigadoon Park" for lands located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive.

2. Official Plan Amendment (City Initiative) and Subdivision Application 97-04, by Vedemo Construction Ltd. and DiCenzo Construction Company Ltd., owners, for approval of a plan of subdivision "Paradise Meadows" for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road.

3. Zoning Application 97-17, by R. Denninger Limited, owner, for a change in zoning from "C" District and "AA" District to "HH" District, modified, for property located at 1289 Upper James Street.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 97-12, by A.R.P. Construction Ltd., owner, for modifications to the "DE" District regulations for lands located at 780 Upper Paradise Road.

5. **BUSINESS IMPROVEMENT AREA CO-ORDINATING COMMITTEE**

   a) Delegation - Sheila Snyder re Commercial Improvement Programme Funding

6. **ALDERMAN W. MCCULLOCH**

   City Initiative - Request for Rezoning 467 Charlton Avenue East

7. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

   a) Revised Board of Management - Downtown Hamilton B.I.A.

   b) Impact of Bill 106 on Business Improvement Areas (B.I.A.'s) - Creation of a Steering Committee

   c) Downtown Hamilton Business Improvement Area (B.I.A.) - Expansion of Boundaries

   d) Roadway Standards in Subdivisions

8. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   a) CN Station - Heritage Easement Agreement

   b) Gore Heritage 2000 Program - Special Provision for Buildings with Frontages of Fifty Feet or More

9. **CONSENT AGENDA**

10. **OTHER BUSINESS**

11. **PRIVATE AND CONFIDENTIAL AGENDA**

12. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997)
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
7.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
8.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
9.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
10.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaining how street names are determined	Report Pending

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
11.	ZAC-97-06, 87-95 Wellington St. N. & 216 Wilson St.	1997 June 18	Tabled for the applicant to apply for RHPA and approach Regional Transportation regarding road width	Tabled with Instructions
12.	Wesley Centre, 195 Ferguson Avenue North	1997 June 18	Planning, Clerk's Real Estate Division, and Economic Development Department to work with Wesley to determine alternate sites	Pending
13.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and Comment	Pending
14.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for Report	Report Forthcoming
15.	Boulevard Policy for New Subdivisions	1997 July 2	Staff Directed to Prepare Report	Report Forthcoming
16.	Planning Tariff Fees - Condominium and Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
17.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending

1997 September 24

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 15
(SAC-97-03)
Gourley Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Brigadoon Park"
(File No. SAC-97-03/Regional File 25T-97007)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 97-03 (Regional File No. 25T-97007), Pasquale Campea and Angelo Loro, owner, to establish a draft plan of subdivision "Brigadoon Park", on lands located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan as revised in red, prepared by Urbex Engineering Limited and certified by J. P. Woolley, O.L.S., dated May 27, 1997, showing 12 lots for single detached dwellings and two streets identified as Street "A" and Brigadoon Drive, attached as APPENDIX "B".

(ii) That the Owner establish Streets "A" (from Stone Church Road to Brigadoon Drive) and Brigadoon Drive (from the east limits of the draft plan to the west limits of Street "A") to their full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.

(iii) That the Owner establish a 12.0m by 12.0m daylight triangle, taken from the widened limits of Stone Church Road and Street "A" as part of Street "A" on the final plan of subdivision.

(iv) That the Owner establish a paved Public access road connecting Stone Church Road West to the existing limit of Brigadoon Drive adjacent to Lot 1.

(v) That Brigadoon Drive align centreline to centreline with Brigadoon Drive as established by Plan 62M-768 to the satisfaction of the Commissioner of Transportation, as redlined.

(vi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(vii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(viii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(ix) That the final plan conform with the Zoning By-law approved under the Planning Act.

(x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xiii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. The approved plan will include the following:

1. All erosion and sediment control measure shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

2. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer;

3. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction.

4. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

(xiv) That the applicant prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall be developed in conjunction with the tree preservation and landscape plan.

(xv) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall address water quality and quantity issues and will ensure that post developments flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented.

(xvi) That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall show how existing vegetation will be maintained with development and highlight replacement trees for vegetation removed as part of the development of this subdivision."

(xvii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xviii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97007), Pasquale Campea and Angelo Loro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Pasquale Campea and Angelo Loro, owner.

Agent:

Urbex Engineering Limited.

Surveyor:

J.P. Woolley Surveying Ltd., O.L.S.

Location:

The lands are located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property has:

- a width of 32.918 m along Stone Church Road West;
- a depth of approximately 106.680 m; and,
- an area of 0.835 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District

Surrounding Land Use		
to the north	Park land undeveloped	"AA" (Agricultural) District
to the south	Vacant land and Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant land	"AA" (Agricultural) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 12 lots, 9 lots fronting onto the westerly extension of Brigadoon Drive and 3 lots on Street "A", for single detached dwellings (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". Based on Policy A.2.1.1, the proposed development complies with the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double Residential" on the approved Gourley Neighbourhood Plan. The proposal complies with the approved plan.

Zoning:

The subject lands are zoned "C" (Urban Protected Residential, etc.) District. The proposal complies with the intent of the Zoning By-law.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department has submitted the following comments and recommendations:

"For Information:

Municipal road access is available from the existing portions of Brigadoon Drive and Stone Church Road West.

Recommendations:

1. That a 12.0m by 12.0m daylight triangle, taken from the widened limits of Stone Church Road and Street "A" be included as part of Street "A" on the Final Plan of Subdivision.

2. That Street "A" (from Stone Church Road to Brigadoon Drive) and Brigadoon Drive (from the east limit of the draft plan to the west limit of Street "A") be established and constructed to their full width, on the Final Plan of Subdivision.

3. With the first phase of development of these lands the owner dedicate their portions of Street "A" and Brigadoon Drive to the City of Hamilton, as Public Highways. In addition, the owner will provide a paved Public access road connecting Stone Church Road West to the existing limit of Brigadoon Drive adjacent to Lot 1.

4. That Brigadoon Drive align centreline to centreline with Brigadoon Drive as established by Plan 62M-768.

5. That the alignment of Brigadoon Drive be revised to the satisfaction of the Commissioner of Transportation (see plan attached).

6. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton, prior to the development of any portion of these lands.

- The Building Department advised that:

"1. Question #3.3 on the application states that the lands to be used for "single and double residential". The existing zone district "C" permits single family dwellings and not two family dwelling units.

2. Street "A' shall be established.

3. Lot 12 should be clarified with respect to what street will be used for frontage. If Stone Church Road West is to be the front yard, the lot width shall be a minimum of 12.0m. Lot 6 shall also be clarified that the minimum lot width of 12.0m has been provided.

4. Proposed streets "Brigadoon" and "Street A" shall be a minimum of 12.0m wide with respect to Section 4(3)(b) of Zoning By-law 6593.

- The Public Works and Traffic Department advised that:

"The proposed plan of subdivision is satisfactory subject to the provision that prior to the development of the lands, both Brigadoon Drive and Street "A" are established and constructed to the full width.

We understand that an outstanding issue with the proposal is the alignment of Brigadoon Drive and that this issue is to be resolved between the applicant, owners to the west and the Regional Roads Division. We also understand that any change to the proposed alignment should result in only minor changes to the proposed lot development."

- The Hamilton Region Conservation Authority advised that:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan will include the following:

a. All erosion and sediment control measure shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer;

c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction.

d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. This plan shall be developed in conjunction with the tree preservation and landscape plan.

3. That the applicant prepare and implement a stormwater management plan for the subject property. This plan shall address water quality and quantity issues and will ensure that post developments flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented.

4. That the applicant prepare and implement a tree preservation and landscape plan for the subject property. This plan shall show how existing vegetation will be maintained with development and highlight replacement trees for vegetation removed as part of the development of this subdivision."

COMMENTS:

1. The proposal complies with the intent of the Official Plan. It is noted that the subject lands are designated "Residential". Based on Policy A.2.1.1, the proposed development complies with the intent of the Official Plan.

2. The application, has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it complies with the "C" District regulations in Zoning By-law No. 6593; and,
   - it is compatible with existing and proposed development in the area.

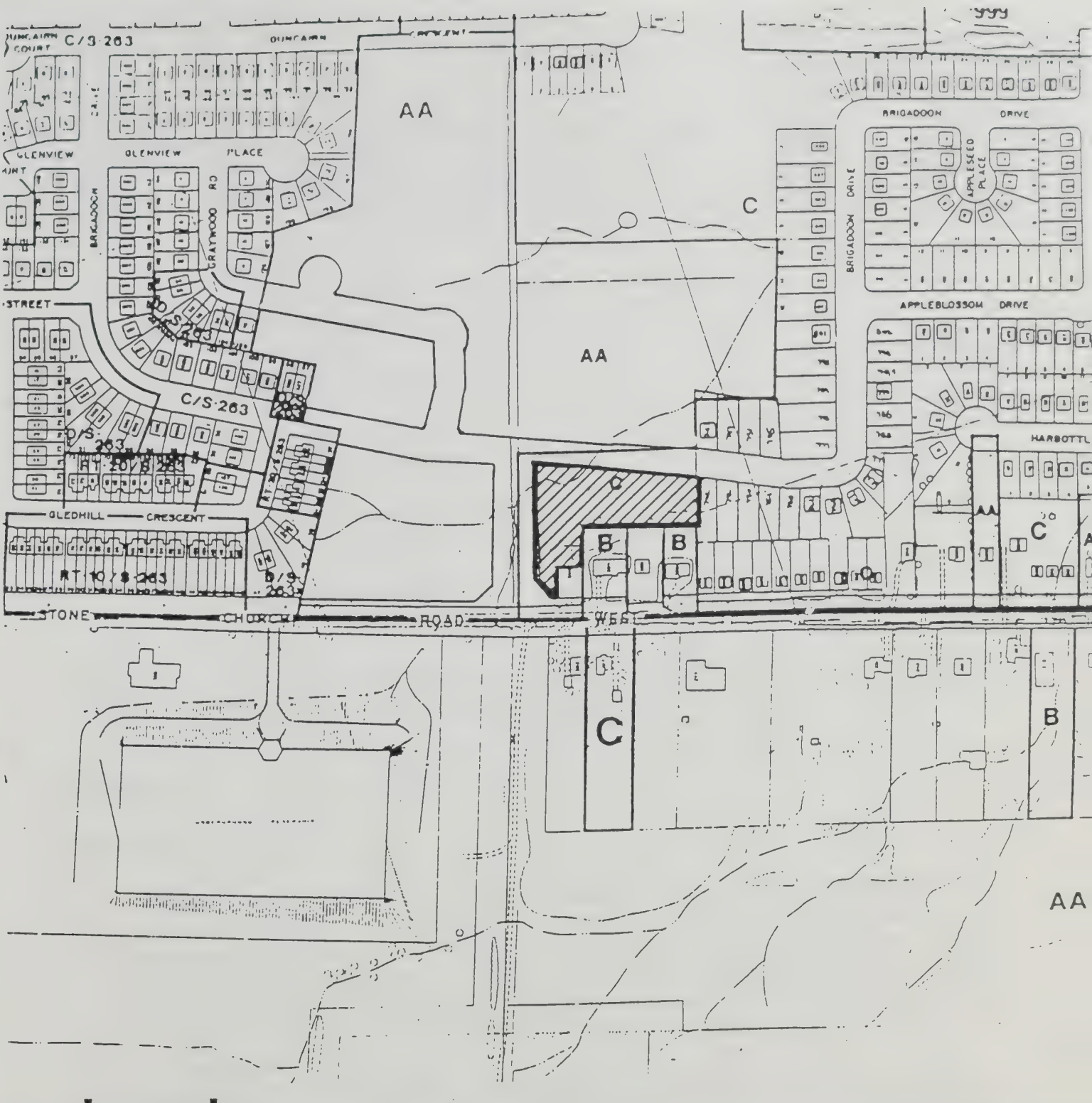
3. The subject lands are zoned "C" (Urban Protected Residential, etc.) District. The provisions of the "C" District require a minimum lot width of 12.0 m (40 ft) and lot area of 360 sq. m (4,000 sq.ft). The lot widths for the proposed plan of subdivision are 12.0 m. The majority of the lot widths for the abutting properties are 12.0 m in width and 30.0 m in depth. As such, the dimension and shape of the proposed lots are in keeping with the lot fabric of the adjacent developed areas.

4. The approved Gourley Neighbourhood Plan has allocated land immediately north of the subject lands for a city park. Therefore, the city will impose the 5% cash in lieu policy rather than 5% parkland dedication policy.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

SUB97-03
/JL

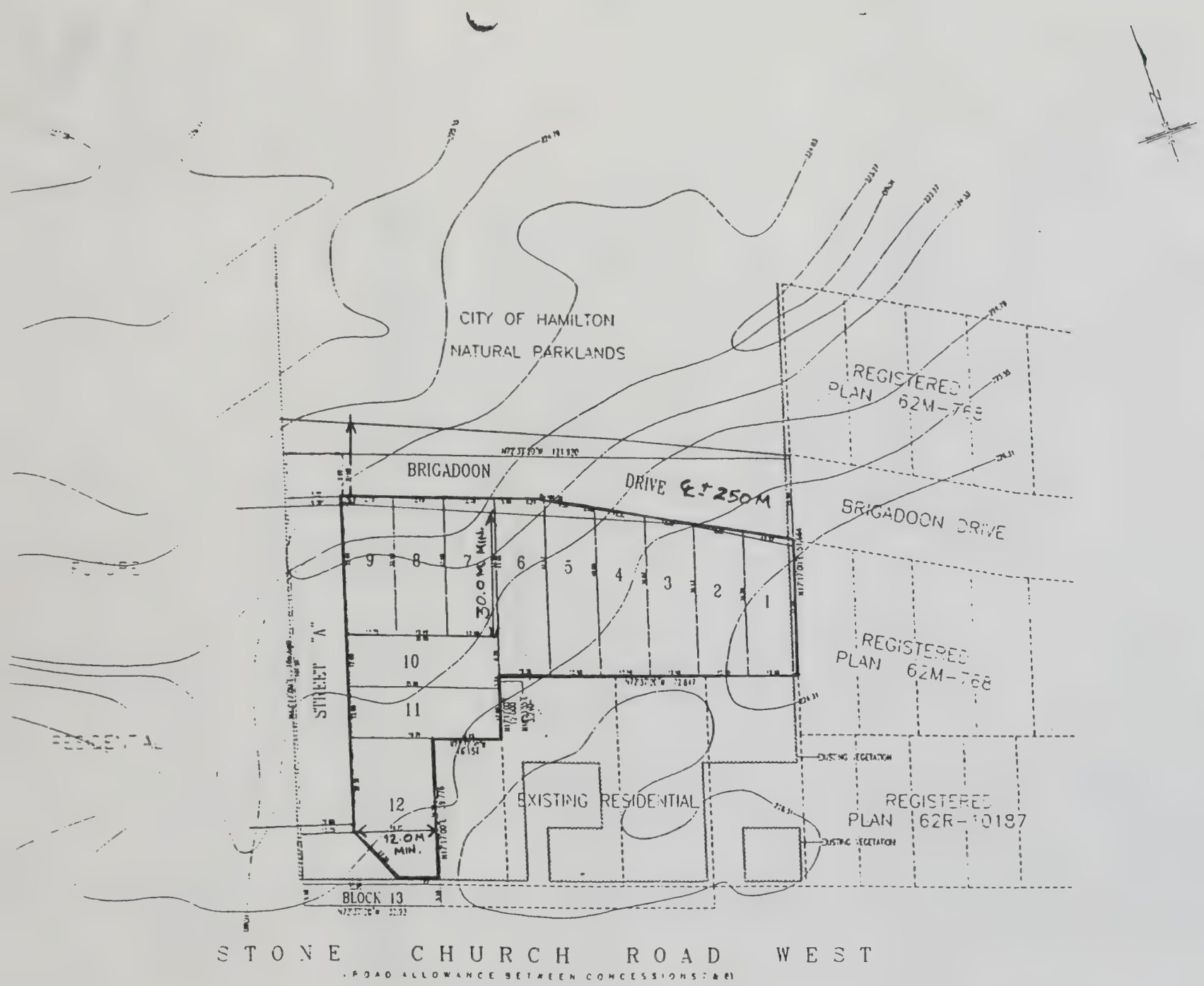


Legend

Site of the Application

Reference File No	SAC-97-03
Drawn By: S.H.	Date: Aug 199
Scale: Not to Scale	
North	

APPENDIX "A



FOR

BRIGADOON PARK

HAMILTON, ONTARIO

LAND USE SCHEDULE

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

No REVISION DATE

KEY PLAN

URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS

SCALE 1:500 PROJECT No. DRAWING

DRAWN BY DATE

APPENDIX "B"
Proposed Plan of Subdivision

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 18
(SAC-97-04)
Carpenter Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Official Plan Amendment and Draft Plan of Subdivision "Paradise Meadows" (File No. SAC-97-04/Regional File 25T-97009)

REVISED

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on APPENDIX "C" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated June 9, 1997, showing 249 lots for single detached

dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as APPENDIX "B".

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development.

(v) That the final plan conform with the Zoning By-law approved under the Planning Act.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(viii) That Blocks 266 and 267 be developed in conjunction with the adjacent lands.

(ix) That Blocks 250 and 265 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 250 and 265 be developed in conjunction with the abutting lands.

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the

Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department.

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

(xiii) That if the development of Blocks 264 and 265 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

(xiv) That Street A must be established to a minimum width of 26m from the southerly limits of Rymal Road West to a point approximately 90 metres southerly to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

(xv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A.

(xvi) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m.

(xvii) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances.

(xviii) That Street G be established at 20m instead of 18m.

(xix) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width.

(xx) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision.

(xxi) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m.

(xxii) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on

APPENDIX "D" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department.

(xxiii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street.

(xxiv) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant.

(xxv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes.

(xxvi) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J.

(xxvii) That the street line adjacent Lots 229, 230 and 231 be realigned to provide a straight transition into the cul-de-sac bulb.

(xxviii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of

the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

(xxix) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

(xxx) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xxxi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(e) That the approved Carpenter Neighbourhood Plan be amended, as shown on APPENDIX "D", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners.

Agent:

Serge Manchia, Planning and Engineering Initiatives.

Surveyor:

W. M. Fenton, W.M. Fenton Limited Surveyors.

Location:

The lands are located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road in the Carpenter Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is irregular in shape with a total lot area of 21.45 ha and has frontage along Rymal Road West and Garth Street.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family) District
to the south	Vacant (TransCanada Pipeline and Hydro Corridor)	N/A (Town of Glanbrook)
to the east	Multiple Residential	"DE" (Low Density Multiple Dwellings) District, modified
to the west	Single Detached Dwellings and Vacant Lands	"C" (Urban Protected Residential, etc.) District and "A" (Conservation, Open Space, Park and Recreation) District

Subdivision Proposal:

The subdivision, as revised, is to allow for the development of the subject lands for:

- 249 lots for single detached dwellings;
- 14 blocks to be developed for street townhouse units;
- 2 blocks to be developed for condominium townhouse units;
- 1 block for parkland; and,
- to establish 10 streets.

A copy of the proposed subdivision, has been revised in the vicinity of the future school sites in accordance with the approved neighbourhood plan in order for Street B to intersect with the future extension of Garth Street at a location that provides adequate site lines for vehicles turning onto the future Garth Street. In addition to improved site lines, this will provide for access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street. The proposed plan of subdivision, as revised in red, is attached as APPENDIX "B".

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential" and "Open Space". The proposed development conflicts with the Official Plan.

The proposed plan of subdivision will require an Official Plan Amendment for the following (see APPENDIX "C"):

- to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites "Open Space" to "Residential" (shown as Lots 142 - 148, inclusive and Blocks 257 - 260, inclusive); and,

- to redesignate a 1.04 hectare parcel of land (shown as Block 268) abutting the westerly park site from "Residential" to "Open Space".

The OPA is required as a result of the consolidation of the two parklands sites into one larger site.

Neighbourhood Plan:

The proposed plan of subdivision will require an amendment to the Carpenter Neighbourhood Plan to revise the local road pattern and park location as per the proposed draft plan of subdivision (see APPENDIX "D").

Zoning:

The subject lands are zoned "AA" (Agricultural) District. The proposed plan of subdivision will require a future application for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department has submitted the following comments and recommendations:

"**INFORMATION**

1. Any roadway improvements on Rymal Road at Street A, required as a result of this development approval, may be at the expense of the subdivider.

RECOMMENDATIONS

1. That Street A must be established to a minimum width of 26m from Rymal Road to a point approximately 90 metres southerly.

2. That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A.

3. That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m.

4. That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances.

5. That Street G be established at 20m instead of 18m.

6. That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width.

7. That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision.

8. That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m.

9. That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan.

10. That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the

road widenings to establish the 26m road allowance be established equally on each side of the street.

11. That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant.

12. That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes.

13 That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J.

14. That the street line adjacent Lots 224, 225 and 226 (red-line revised as 229, 230 and 231) be realigned to provide a straight transition into the cul-de-sac bulb.

15. That phasing of development in this subdivision must be to the satisfaction of the City of Hamilton Department of Public Works and Traffic and the Regional Environment Department.

16. That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by Planning & Engineering Initiatives Ltd. dated June 1997 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Traffic Division, Department of Public Works and Traffic advised of the following comments regarding the proposed plan of subdivision:

"We recommend that the collector street providing access to Rymal Road be modified to provide the appropriate 26.0 m road allowance and the required daylight triangles.

We recommend that the east end of Street "B" be modified to provide the 26.0 m road allowance centred on the 20.0 m road allowance to the west rather than be offset to the south. In addition, we recommend that the location of Street B be modified to match the location shown in the approved neighbourhood plan in order for Street B to intersect with

the future extension of Garth Street at a location that provides adequate site lines for vehicles turning onto the future Garth Street. In addition to improved site lines, this will provide for access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street.

We recommend that the development of the lands designated as single family lots and the townhouse blocks 249 to 258 (red-line revised as 254 to 263) be conditional upon the Upper Paradise Road Extension and Street "A" being established and constructed to the full width to provide a minimum of two points of access to arterial roads.

The development of Blocks 259 and 260 (264 and 265) without the establishment and construction of the future south extension of Garth Street will require that a temporary turnaround be provided at the easterly limits of Street "B".

We recommend that if the development of these lands is to be staged that the staging be shown on the plan. In addition, we recommend that any dead end streets resulting from the staging of development include the provision of temporary turnarounds.

Based on the current plan, the only roadway access being provided to the proposed Separate School is Street 'G'. Given the potential traffic associated with the school development, it would appear that potential property owners of lots adjacent to Street 'G' should be made aware of this situation. We therefore recommend that a notice be registered on the title of all lots adjacent to Street 'G' informing them of the fact that this roadway will serve as the school access point."

In addition, the Traffic Division provided the following comments regarding the proposed Official Plan Amendment:

"We have no comment regarding the redesignation of parkland in the neighbourhood, however, we recommend that all issues related to the road pattern within the neighbourhood be resolved prior to proceeding with the amendment."

- The Building Department has advised:

"1. All of the lands with respect of the draft plan of subdivision are located in the "AA" district.

2. The "AA" district does not permit the use of townhouse dwellings.

3. For the purpose of the construction of single family dwellings, the requirements of the "AA" district are as follows: a minimum lot width of 60.0m; a minimum lot area of 12,000 m^2; a minimum front yard of 12.0m; a minimum side yard of 4.5m; a minimum rear yard of 10.5m.

4. Every lot must, for a distance of 4.5m, abut upon a public highway of a width of at least 12.0m.

5. The proposed Street "A" does not appear to be connected to Rymal Road West."

- The Parks Division, Department of Public Works and Traffic has advised:

"Parks Division staff have reviewed the attached plan which illustrates the amalgamation of the two parcels of parkland within the Carpenter Neighbourhood to one site and are satisfied with the proposed parkland configuration. We also understand that an Official Plan Amendment will be required to accommodate the parkland reconfiguration."

- The Hamilton Region Conservation Authority has advised that approval of the application should be subject to the following:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan will include the following:

a) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a stormwater management plan for the subject property. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented."

COMMENTS:

1. The Parks Division has requested that the park blocks be consolidated to provide for more flexibility in the design and programming of the park. The applicants have agreed to the

proposed park consolidation and subsequent changes to the local road pattern. As a result of the consolidation of the park blocks within the Carpenter Neighbourhood, the proposal requires an Official Plan Amendment as follows:

- to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites "Open Space" to "Residential" (shown as Lots 147 - 153, inclusive and Blocks 262 - 265, inclusive); and,

- to redesignate a 1.04 hectare parcel of land (shown as Block 273) abutting the westerly park site from "Residential" to "Open Space".

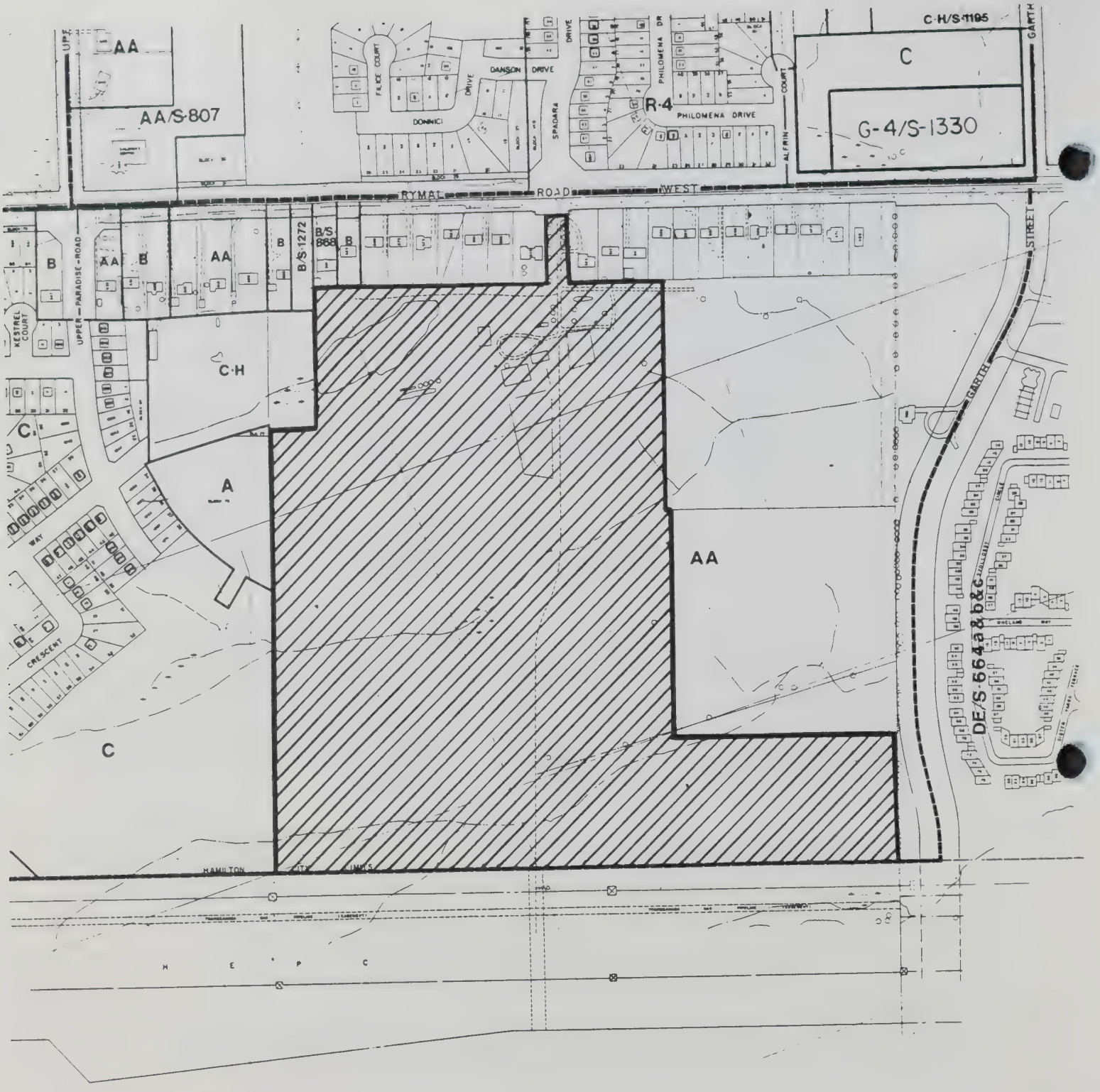
2. The proposed plan of subdivision will require an amendment to the Carpenter Neighbourhood Plan to revise the local road pattern and park location as per the proposed draft plan of subdivision.

3. The proposed plan of subdivision has been revised to match the location shown in the approved neighbourhood plan in order for Street B to intersect with the future extension of Garth Street at a location that provides adequate site lines for vehicles turning onto the future Garth Street. In addition to improved site lines, this will provide for access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street.

4. The proposed plan of subdivision will require a future application for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District.

CONCLUSION:

On the basis of the foregoing, the application as revised in red, can be supported.

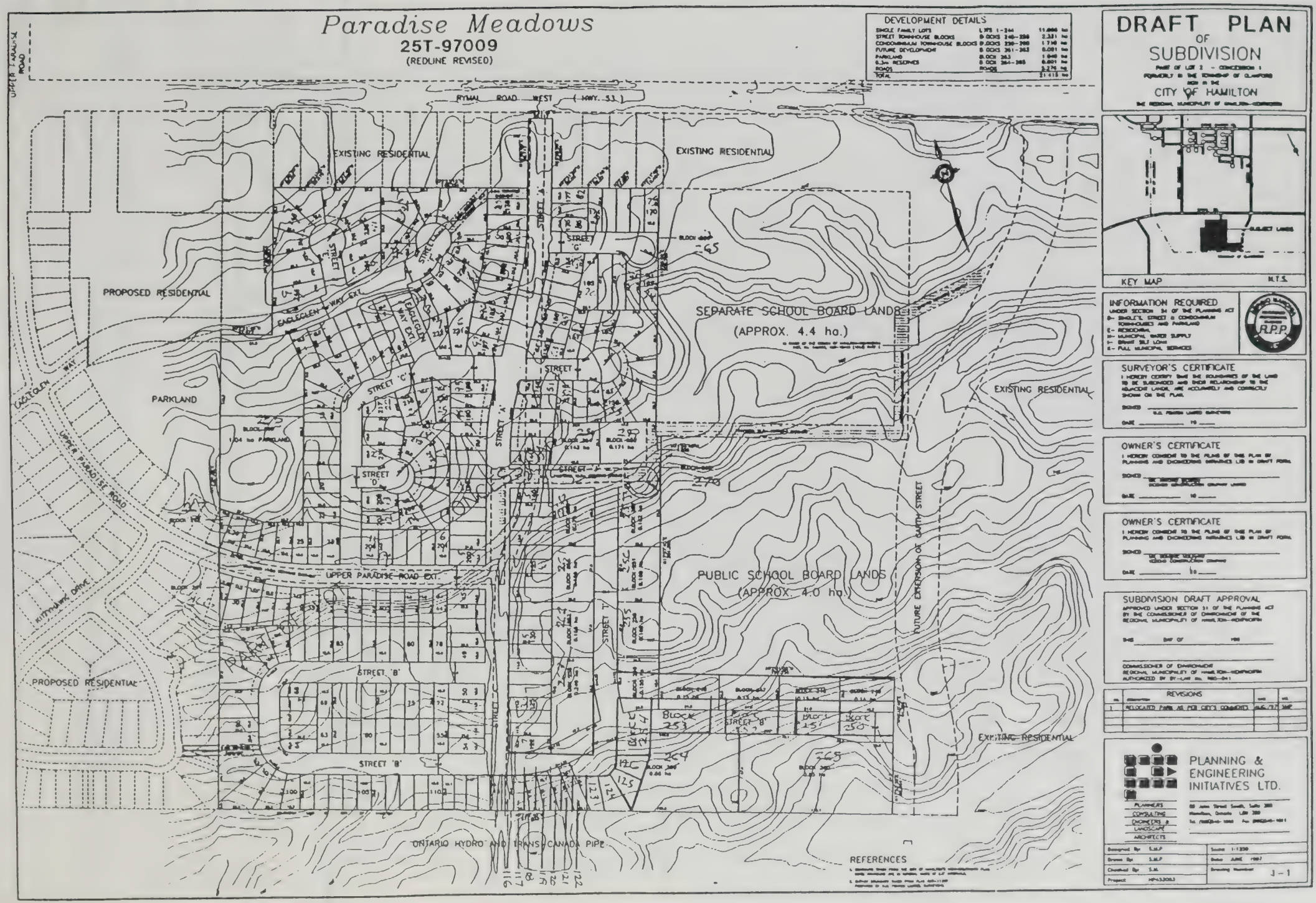


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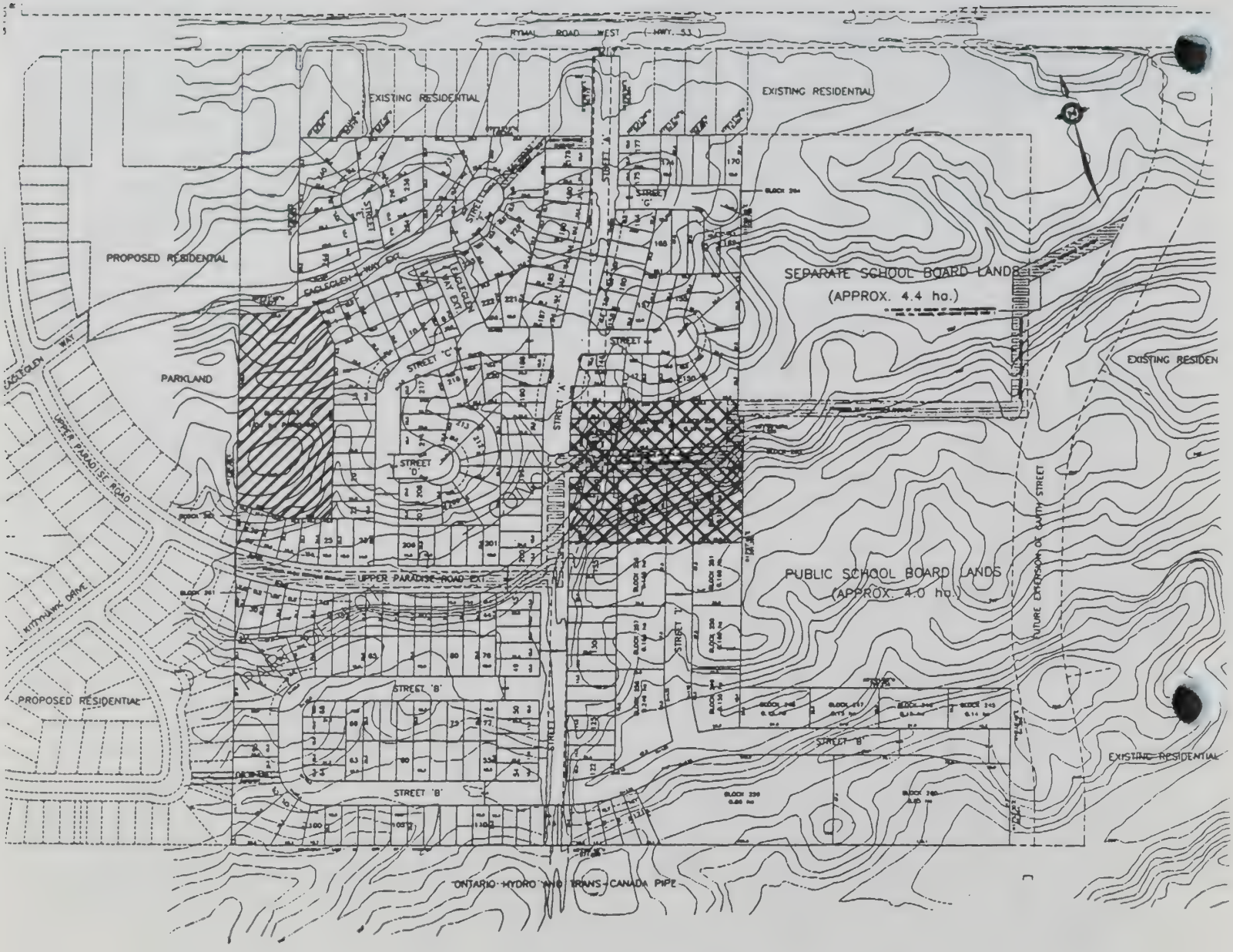
Site of the Application

Reference File No.	
SAR-97-04	
Drawn By	Date
B.B.	Aug. 1997
Scale	
Not to Scale	
North	

APPENDIX "A"


Paradise Meadows
25T-97009
(REDLINE REVISED)
DEVELOPMENT DETAILS
DRAFT PLAN OF SUBDIVISION
CITY OF HAMILTON
KEY MAP
INFORMATION REQUIRED
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
OWNER'S CERTIFICATE
SUBDIVISION DRAFT APPROVAL
REVISIONS
PLANNING & ENGINEERING INITIATIVES LTD.
RYMAL ROAD WEST (HWY. 53)
EXISTING RESIDENTIAL
EXISTING RESIDENTIAL
PROPOSED RESIDENTIAL
SEPARATE SCHOOL BOARD LANDS (APPROX. 4.4 ha.)
EXISTING RESIDENTIAL
PARKLAND
UPPER PARADISE ROAD EXT.
PUBLIC SCHOOL BOARD LANDS (APPROX. 4.0 ha.)
FUTURE EXTENSION OF GARTH STREET
PROPOSED RESIDENTIAL
EXISTING RESIDENTIAL
ONTARIO HYDRO AND TRANS-CANADA PIPE
REFERENCES
STREET 'A'
STREET 'B'
STREET 'C'
STREET 'D'
STREET 'E'
STREET 'F'
STREET 'G'
EAGLEGLEN WAY EXT.
UPPER PARADISE ROAD
KITTYHAWK DRIVE
Block 253
Block 254
Block 255
Lot 30

APPENDIX "B"



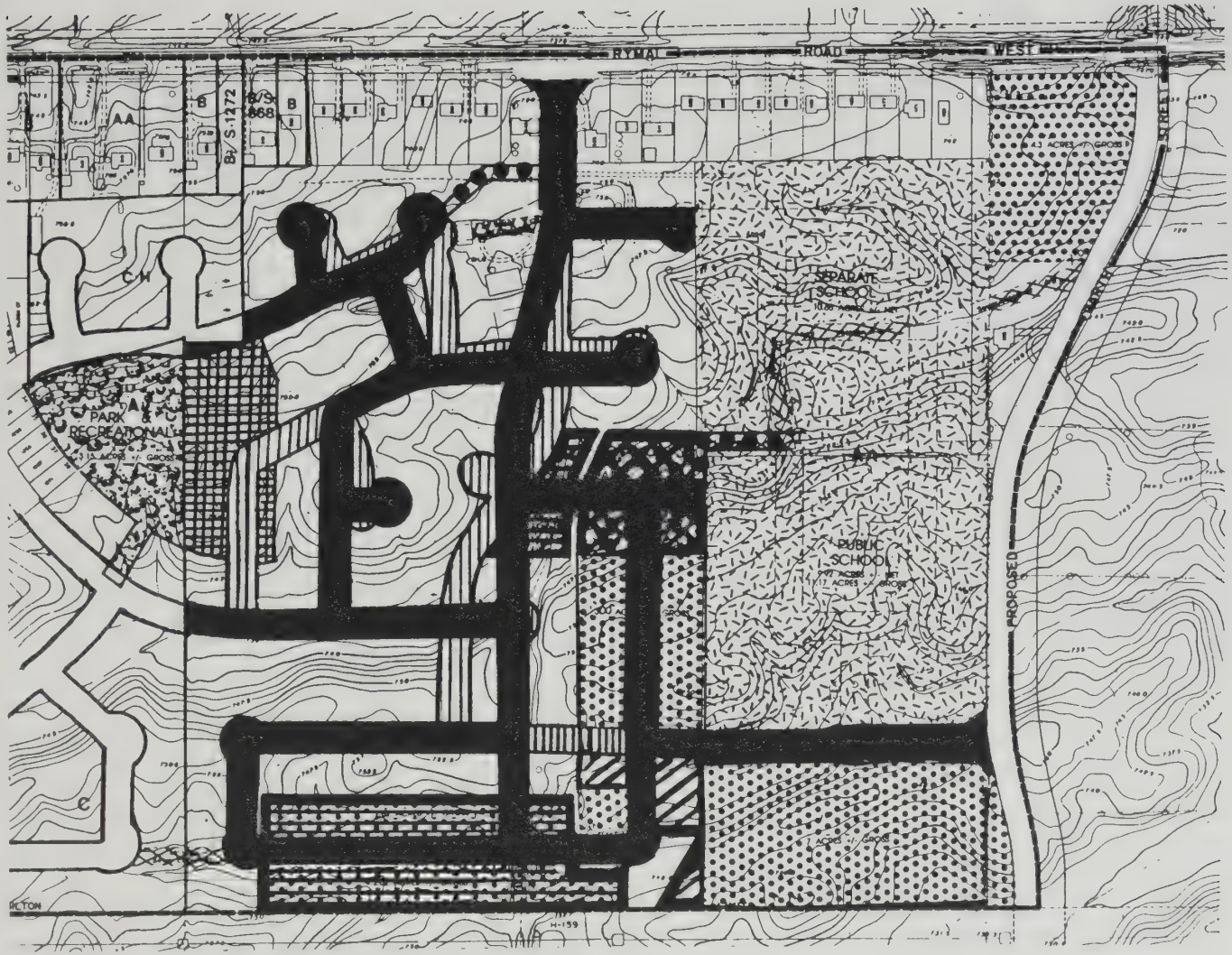
Legend

BLOCK 1 — Lands to be redesignated from "Open Space" to "Residential" (Lots 127 - 143, inclusive, and Blocks 252 -255, inclusive, on proposed Draft Plan of Subdivision)

BLOCK 2 — Lands to be redesignated from "Residential" to "Open Space" (Block 263 on proposed Draft Plan of Subdivision)

Reference File No.	
SAR-97-04	
Drawn By	Date
R.L.	August 1997
Scale	
Not to Scale	
North	

APPENDIX "C"



Legend:

- Delete Roadway
- Proposed Road Pattern
- Proposed Easement
- From Single and Double Housing to Attached Housing
- From Attached Housing to Single and Double Housing
- From Single and Double Housing to Park and Recreational
- From Park and Recreational to Attached Housing

North

APPENDIX "D"

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 16
ZAC-97-17
(Jerome Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and changes in zoning for lands located at - 1289 Upper James Street

RECOMMENDATION:

A. That approval be given to Official Plan Amendment No. to redesignate the rear portion of the subject lands from "Residential" to "Commercial" on Schedule A and extend Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application ZAC-97-17, R. Denninger Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "1") and "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "2"), to permit the use of the subject lands for commercial development, for lands located at 1289 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District;

iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

(a) Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained;

(b) Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district;

(c) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(d) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-9C be notated S - ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

vi) That the proposed change in zoning are in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

2. Upon finalization of the implementing by-law the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Commercial and Apartments" to "Commercial".

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a change in zoning from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "1") and "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "2"), for lands located at 1289 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for a commercial use. In addition, the By-law provides for the following variances as special requirements for Blocks "1" and "2":

- a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire easterly lot of the "HH" District;
- a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District;
- a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire front property line (westerly property line), except for any area used as an access driveway; and,
- a minimum front yard setback of 24.0 m whereas 12.0 m is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant proposes to develop the lands for commercial development and is seeking the same zoning as the lands to the north. Furthermore, the applicant will pursue a land exchange with the land owner immediately to the north (i.e. 1275 Upper James Street) in order to develop the lands in an efficient manner (See APPENDIX 'B'). The appropriate Land Division Application has yet to be filed.

- Zoning Application ZAC-95-23 immediately north of the subject lands

  The Planning and Development Committee, and City Council at their meetings of October 4, 1995, and October 10, 1995, respectively, approved Zoning Application 95-23, to permit future development of the lands for an automobile dealership, for the lands located at 1275 Upper James Street.

  By-law 95-223 came into effect on January 10, 1996.

APPLICANT:

R. Denninger Limited, owner.

LOT SIZE AND AREA:

The lands subject (Blocks "1" and "2") to be rezoned have:

- a width of 71.010 m (232.93 ft.);
- a depth of 101.317 m (332.40.) irregular; and
- an area of 6,579.0 m^2 (70,818.0 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant school building	"C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant	"HH" (Restricted Community Commercial and Shopping, etc.) District
to the south	Vacant	"CR-1" (Commercial-Residential) District, modified
to the east	Vacant	"C" (Urban Protected Residential, etc) District
to the west	Vacant	"C" (Urban Protected Residential, etc) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL - EXTENDED HIGHWAY (Block "1") and RESIDENTIAL" (Block "2") on Schedule "A" - Land Use Concept of the Official Plan. In addition, the commercially designated lands are located within Special Policy Areas 31a), as shown on Schedule B - Special Policy Areas of the Official Plan.

The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities."

Extended Commercial

"A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business."

General Provisions

2.2.34 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

The commercial component of the proposal is also located within Special Policy Area 31a on Schedule B - Special Policy Areas of the Official Plan. Accordingly, the following policies of Subsection A.2.9.3 - Other Policy Areas should also be noted:

"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:

a) in AREA "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses.

iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:

a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;

b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,

v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The proposal does not conform with the Official Plan. If approved an Official Plan Amendment is required to redesignate the rear portion (Block "2") of the subject lands from "Residential" to "Commercial" on Schedule A, and extend Special Policy Area 31 on Schedule B. It should be noted that Special Policy Area 31 is more appropriate than Special Policy 31a or 31b in that it provides for more general commercial development rather than mixed commercial-residential (31a) or retail/warehouse uses.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial & Apartments" in the approved Jerome Neighbourhood Plan. The proposal does not comply with the Plan. Approval of this application would necessitate the redesignation of the subject lands from "Commercial & Apartments" to "Commercial".

UPPER JAMES STREET DESIGN GUIDELINES:

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Jerome Neighbourhood Plan. The guidelines establish the following criteria for commercial development along Upper James Street (see APPENDIX "B"):

- a minimum landscaped planting strip along the front property line of 3.0 m in depth;

- a front service road to rear of landscaped strip, 21 m in depth, which will include two rows of parking spaces and a traffic laneway running north-south between the parking spaces;

- the front facade of commercial buildings are to be located a minimum of 24 m from the front property line;

- a rear service road 21 m wide, in the same design as the front service road, with two rows of parking spaces and a traffic laneway;

- a rear landscaping strip to be provided on the lands designated and zoned for commercial uses; and,

- a maximum building height of 8 storeys.

COMMENTS RECEIVED:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Conservation Authority; and,
  - Union Gas.

- The Building Department has advised that:

  "1. Please refer to Section 14A for specific "general retail" uses permitted. The proposed use of "food sales, banking, professional office, restaurant family and fast food" as stated on the application are permitted uses in the "HH" District.

  2. The northerly property, municipal address 1275 Upper James, is zoned 'HH'/S-1394. Please be advised amending By-law 95-223 (S-1394) required the following:

     a) notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscaped planting strip having a minimum width of 6.0m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,

     b) a visual barrier not less than 1.2m in height and not greater than 2.0m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,

     c) notwithstanding Section 14(A)(3)(a) of Zoning By-law 6593, a front yard depth of at least 24m shall be provided and maintained for any building; and,

     d) a minimum 3.0m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

3. The southerly property, municipal address 1317 Upper James, is zoned CR-1/S-1132. Please be advised amending By-law 89-337 (S-1132) required the following:

   a) notwithstanding Section 15B(8)(a) of By-law 6593, no building or structure shall exceed eight storeys or 26.0m in height; and,

   b) a landscaped planting strip not less than 6.0m in width shall be provided and maintained along the easterly portion line of Block 2 and 3; and,

   c) a visual barrier not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained within the required 6.0m wide landscaped planting strip along the easterly property line Blocks 2 and 3.

4. The maximum height as per Section 14A(2) is 17.0m (55.77').

5. Section 14A(3)(a) requires the following yards:

   a) front yard minimum of 12.0m; and,

   b) there shall be along that side a side yard of a width at least as great as that required in such adjoining district. The northerly side yard abuts the HH/S-1349 zone, therefore no side yard required. The southerly side yard is abutting CR-1/S-1132, which at this time, the required side yard cannot be determined (too many various situations); and,

   c) a rear yard of 6.0m.

6. All parcels of lands being utilized shall be registered on title under one deed.

7. Further detailed review of layout at time of Development Agreement."

- The Traffic Division has advised that:

"No objection to the Official Plan Amendment or the Zoning Application. The applicant should be advised that access to this site may be restricted by the placement of medians in the middle of Upper James."

- The Roads Department has advised that:

"1. The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29m from the centreline of the original Upper James Street road allowance. According to our records, this road widening is 3.048 m in width along the entire frontage of lands to be developed. All zoning setbacks are to be taken from the widened road allowance limits of Upper James Street.

2. We recommend that the subject lands be developed through site plan control and that any specific zoning amendments to the Zoning District requirements should be identified and brought to our attention. As the preliminary site plan for this property also includes lands to the north, we recommend that applicant/owner meet with our staff prior to the preparation of a detailed site plan to ensure our comments on access, manoeuvring, motorist sight lines, combined and shared accesses to Upper James Street are considered. The preliminary site plan submitted with this application is not approved.

   The applicant should be advised that any roadway improvements which may be required on Upper James Street, as a result of this development approval, may be at the expense of the applicant/owner. Further comments on these requirements will be made at such time as site plans are submitted.

3. The applicant should be advised that the future widening and reconstruction of Upper James Street may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date. Dependant on the site plan review, these access restrictions may be required as a condition of site plan/access approval.

4. In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved an Official Plan Amendment is required to redesignate the rear portion (Block "2") of the subject lands from "Residential" to "Commercial" on Schedule A, and to extend Special Policy Area 31 on Schedule B.

2. The subject lands are designated "Commercial & Apartments" in the approved Jerome Neighbourhood Plan. The proposal does not comply with the Plan. As such, the subject lands should be redesignated from "Commercial & Apartments" to "Commercial".

3. The application has merit and can be supported for the following reasons:

   i) it would be compatible with the existing and proposed development in the area;

   ii) the requested zoning is appropriate for the subject development; and,

   iii) it is consistent with previous approvals (i.e. ZAC-95-23) and allows for comprehensive development of the Upper James Street frontage.

4. In keeping with the general intent of the Official Plan and the Urban Design Guidelines for the Upper James Street Corridor, the implementing zoning by-law should contain the following special requirements for Blocks "1" and "2":

   - a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height and a landscape planting strip having a minimum width of 6.0 m, should be provided and maintained along the easterly property line where it abuts a residential district to buffer the parking area from the adjacent lands zoned for residential uses;

   - as shown on APPENDIX "B", a minimum front yard of 24.0 m to accommodate a minimum 3.0 m landscaped planting strip along the front property line. In addition, the front yard setback of 24.0 m is required for a front service road located to the rear of the front yard landscaped strip. The service road and parking areas should have a minimum depth of 21.0 m to accommodate two rows of parking spaces and a traffic laneway running north-south between the parking spaces; and,

   - the front of the commercial building should be located a minimum of 24.0 m from the front property line.

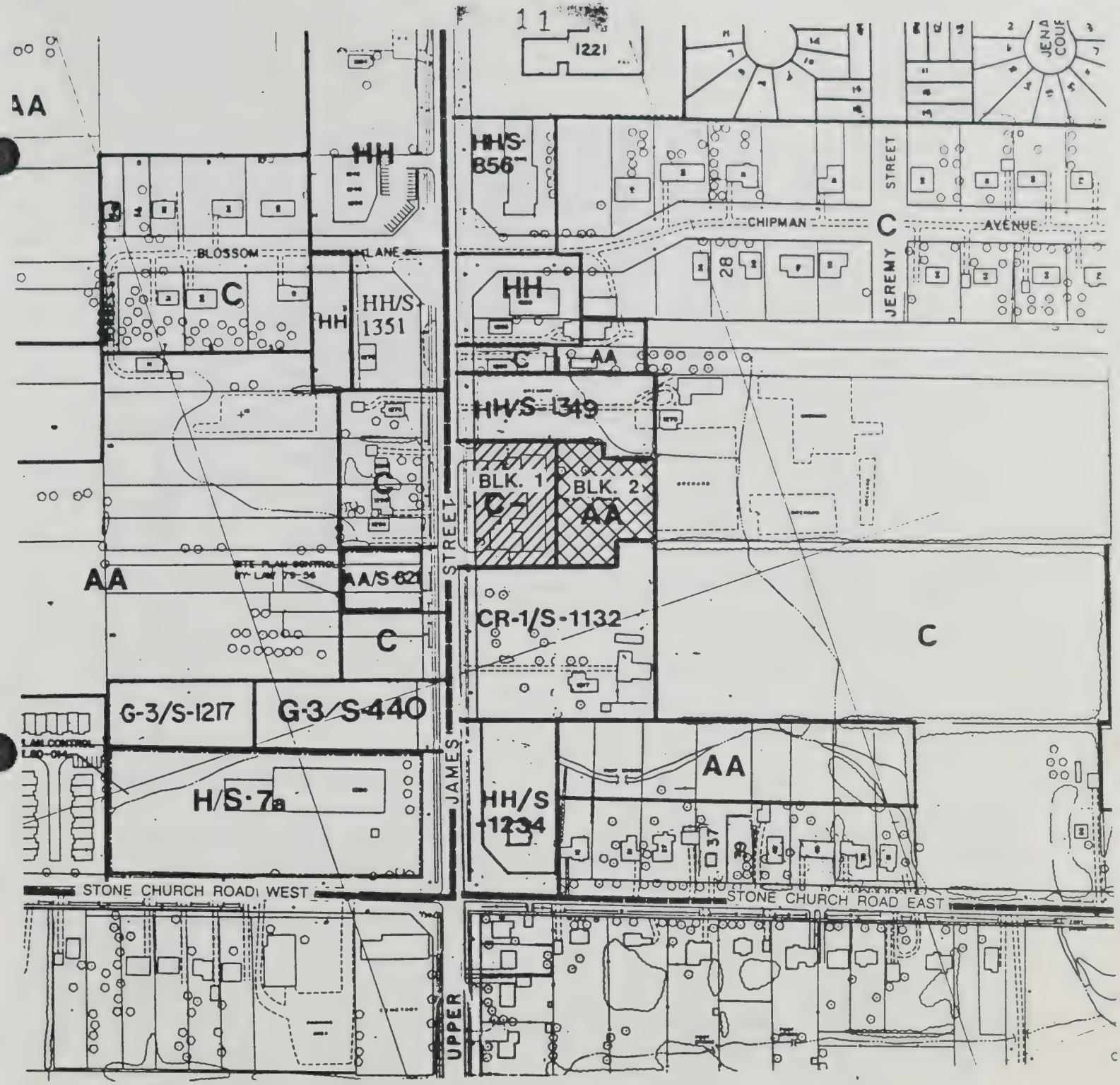
   As the provisions of the "HH" District establish a maximum building height of four storeys, it is not necessary to establish the maximum building height of 8 storeys as per the Upper James Street Corridor design guidelines since the 8 storey maximum is for mixed use commercial-residential buildings.

5. The "HH" (Restricted Community Shopping and Commercial, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to the "Urban Design Guidelines for Upper James Street Corridor", road widenings, access, parking, loading, landscaping, grading, fencing, lighting, signs, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

JL/jl
ZAC9717



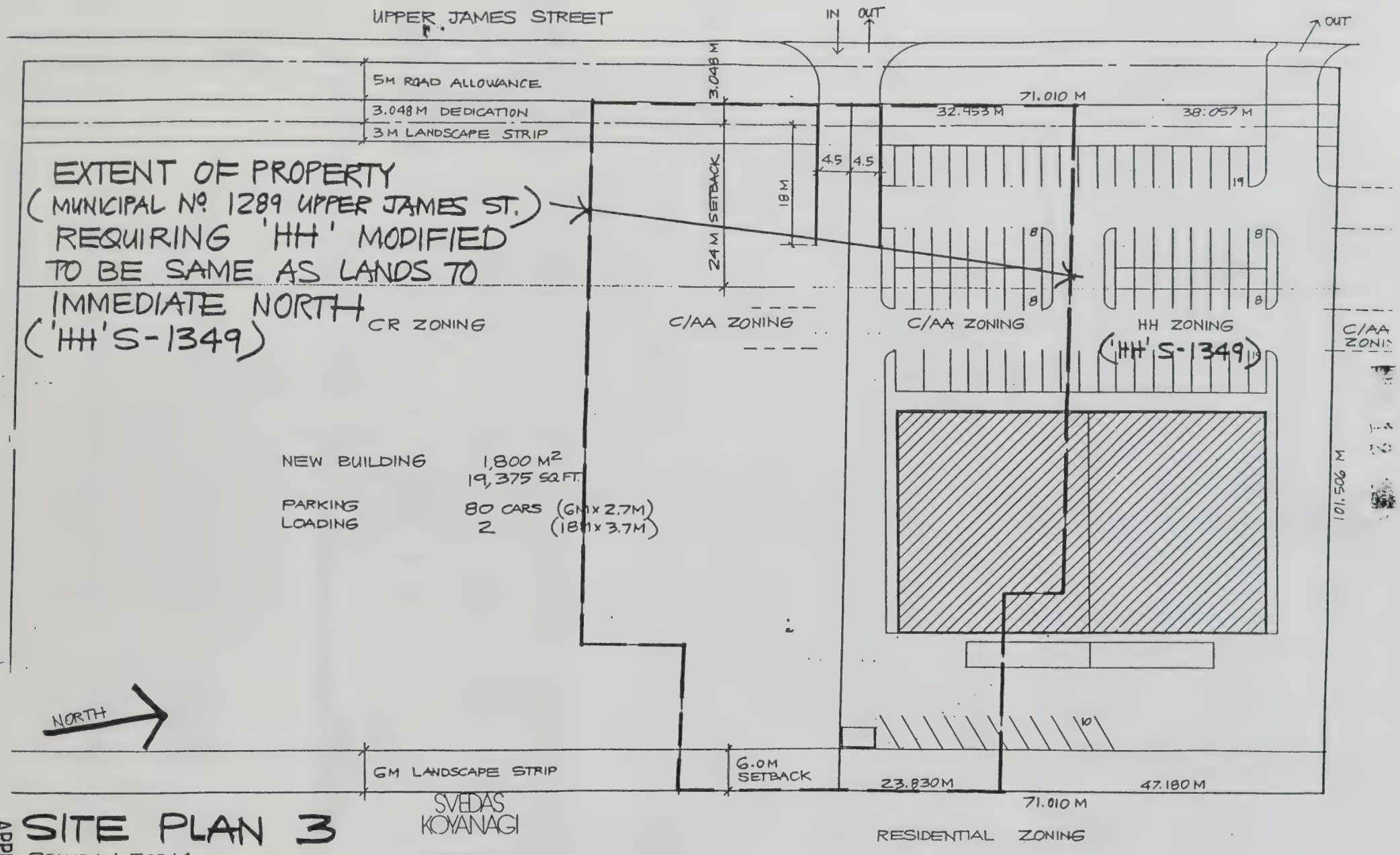
Legend

CHANGE IN ZONING FROM :

BLOCK 1 — "C"(Urban Protected Residential, etc.) District To "HH"(Restricted Community Shopping and Commercial) District, Modified.

BLOCK 2 — "AA" (Agricultural) District To "HH" (Restricted Community Shopping and Commercial) District, Modified.

Reference File No.	
ZAC-97-17	
Drawn By	Date
R.L.	Sep. 1997
Scale	
Not to Scale	
North	



SITE PLAN 3

SCALE : 1:500 M

MAR 2 4 1997

APPENDIX B

SVEDAS KOYANAGI
ARCHITECTS INC.
3215 NORTH SERVICE RD., BOX 220
BURLINGTON, ONT. L7R 3Y2
TEL. (905) 335-2350 FAX (905) 335-1414

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 17
ZAC-97-12
Gurnett Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for modification in zoning - 780 Upper Paradise Road

RECOMMENDATION:

That approval be given Amended Zoning Application ZAC-97-12, A.R.P. Construction Ltd., owner, for a modification to the established "DE" (Low Density Residential Dwelling) District regulations to permit the development of five (5) townhouse units for property located at 780 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "DE" (Low Density Multiple Dwelling) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10A, a maximum of five (5) townhouse dwellings shall be permitted subject to the "RT-20" (Townhouse-Maisonette) District provisions of Section 10E, except for the following:

(a) A minimum 3.0 m setback shall be permitted along the northerly lot line; and,

(b) A minimum 1,131.58 m^2 lot area shall be permitted;

(2) That notwithstanding Section 18A(1) a minimum six (6) parking spaces shall be required;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map W37B be notated S- ;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W37B for presentation to City Council; and,

(iv) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for modification to the established "DE" (Low Density Multiple Dwellings) District regulations for lands located at 780 Upper Paradise Road, as shown on the attached map (APPENDIX "A").

The effect of the By-law is to permit the construction of five (5) townhouse dwellings with the following variances:

- a minimum yard along the northerly lot line of 3.0 m is permitted, whereas 6.0 m is required;
- a minimum lot area of 1,131.58 m^2 is permitted, whereas 1,150 m^2 is required; and,
- a minimum of six (6) parking spaces is permitted, whereas seven (7) are required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop the subject lands for five (5) townhouse units as shown on the attached APPENDIX "B".

- Site Plan Control Application DA-90-103

  On April 26, 1991, plans for Site Plan Control Application were approved for a six plex on the subject lands.

- ZA-89-86 and By-law No. 90-44

  City Council, on February 13, 1997, passed By-law No. 90-44, to rezone the subject lands from "AA" (Agricultural) District to "DE" (Low Density Multiple Residential Dwellings) District, to permit the construction of a multiple dwelling having a maximum of four (4) dwelling units.

APPLICANT:

A.R.P. Construction Ltd., owner.

LOT SIZE AND AREA

The subject lands have:

- a frontage of 25.518 m (83.7 feet);
- a depth of 42.672 m (140 feet); and,
- a lot area of 1131.58 m^2 (12,180.624 square feet).

LAND USE AND ZONING:

	Land Use	Zoning
Subject Lands	vacant	"DE" (Low Density Multiple Dwellings) District

Surrounding Lands

to the north	townhouses and single family dwelling	"D" (Urban Protected Residential - One One and Two Family Dwellings, etc.) District, modified and "AA" (Agricultural) District
to the east and south	single family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	townhouses	"D" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Attached Housing" in the approved Neighbourhood Plan for Gurnett Neighbourhood. The proposal complies with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Public Works and Traffic Department advises:

  "We have no objection to the modification in zoning to permit townhouse units. With reference to the submitted plan, we have the following comments.

  In accordance with the Zoning By-law, a total of 7 parking spaces are required for this development of 5 townhouse units with garages. We are prepared to accept the proposed design providing a total of 6 parking spaces and would support a minor variance for a reduction in the requirements.

  We recommend that the plan be modified to provide a minimum length of 6.0 m for the parking space at the east end of the building, as shown on the attached plan.

  Since there is not adequate manoeuvring for single unit trucks to turn around on site, the option of garbage pick-up will not be available for this site. We suggest that the applicant consider the provision of a storage area for garbage on site. If it is the intent to establish

these units as condominium units in the future, we recommend that as a condition of approval a notice be registered on title of each unit that garbage removal by the City will not be available for this site."

- The Building Department advises:

"1. The proposed use of a townhouse dwelling, as shown on the submitted revised plan, is not permitted in the DE district. Compliance with the RT-20 district is recommended.

2. The maximum height of a building in the RT-20 district is 3 storeys.

3. It is assumed that the windows to habitable rooms will be provided on the north wall elevation and, therefore, a minimum setback of 6.0m must be provided to the north lot line. The setback as shown is insufficient.

4. The minimum required lot area of 1,150m^2 for the proposed five (5) townhouse dwelling units is not provided for.

5. The minimum required 2.5m depth for each privacy area is not provided for.

6. A minimum of seven (7) parking spaces are required to be provided for the proposed five (5) townhouse dwelling units, provided that one parking space is covered and attached to enclosed within each dwelling unit. The number of parking spaces shown are insufficient. Each of the proposed parking spaces shown must provided a minimum clear dimension of 2.7m x 6.0m.

7. A permanent durable and dustless surface that is graded and drained and paved shall be provided and maintained for the parking area and access driveway".

- The Regional Environment Department (Development Engineering Services) advises:

"With respect to your letter dated July 24, 1997 we advise that there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The Regional Transportation Department, Roads Division have reviewed the revised application and submit the following comments:

1. The designated road allowance width of Upper Paradise Road is 30.48m. In accordance with this designation, the Region previously acquired the required road widening adjacent to the subject lands shown as Part 9 on Reference Plan 62R-1010.

2. According to Roadway Drawing No. 90-H-63, the Upper Paradise Road has been widened to an urban cross section, the municipal sidewalks have been installed in their ultimate location and the site plans should be revised accordingly.

3. We require 5m by 5m daylight visibility triangles between the access and the widened street lines in which the maximum height of any object or mature vegetation is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Upper Paradise Road. Further, any privacy fences should be set back a minimum of 5m from the widened road allowance limits of Upper Paradise Road.

4. We recommend that the subject lands be developed through site plan control at which time detailed comments on grading, landscaping, access, etc. will be submitted."

COMMENTS:

1. The proposal complies with the Official Plan and the approved Gurnett Neighbourhood Plan.

2. The proposal has merit and can be supported on the following basis:

   - it complies with the Official Plan and approved Neighbourhood Plan;
   - it is located on a major arterial road where higher density uses are encouraged to locate; and,
   - it an appropriate infill development, compatible with the existing townhouse development in the area.

3. A number of variances have been identified as follows:

   - By-law No. 93-161 deleted townhouse dwellings as a permitted use in the "DE" District. However, given the adjacent townhouses to the west, and the configuration of the subject lands, townhouse dwellings can be supported.
   - The by-law requires a minimum yard of 6.0 m on the north lot line (rear yard), where there are windows of habitable rooms. The purpose of this requirement is to provide privacy between developments of this nature. The lands to the north however, are used for access purposes to the townhouse development located to the west of the subject lands. Since there will be no development as such to the north, a reduction of this yard requirement to 3.0 m can be supported.

- The by-law requires a minimum lot area of 1,150 m^2, however the proposed development provides 1131.58 m^2. This is a reduction of 18.42 m^2. This is a relatively small reduction, and therefore can be supported.

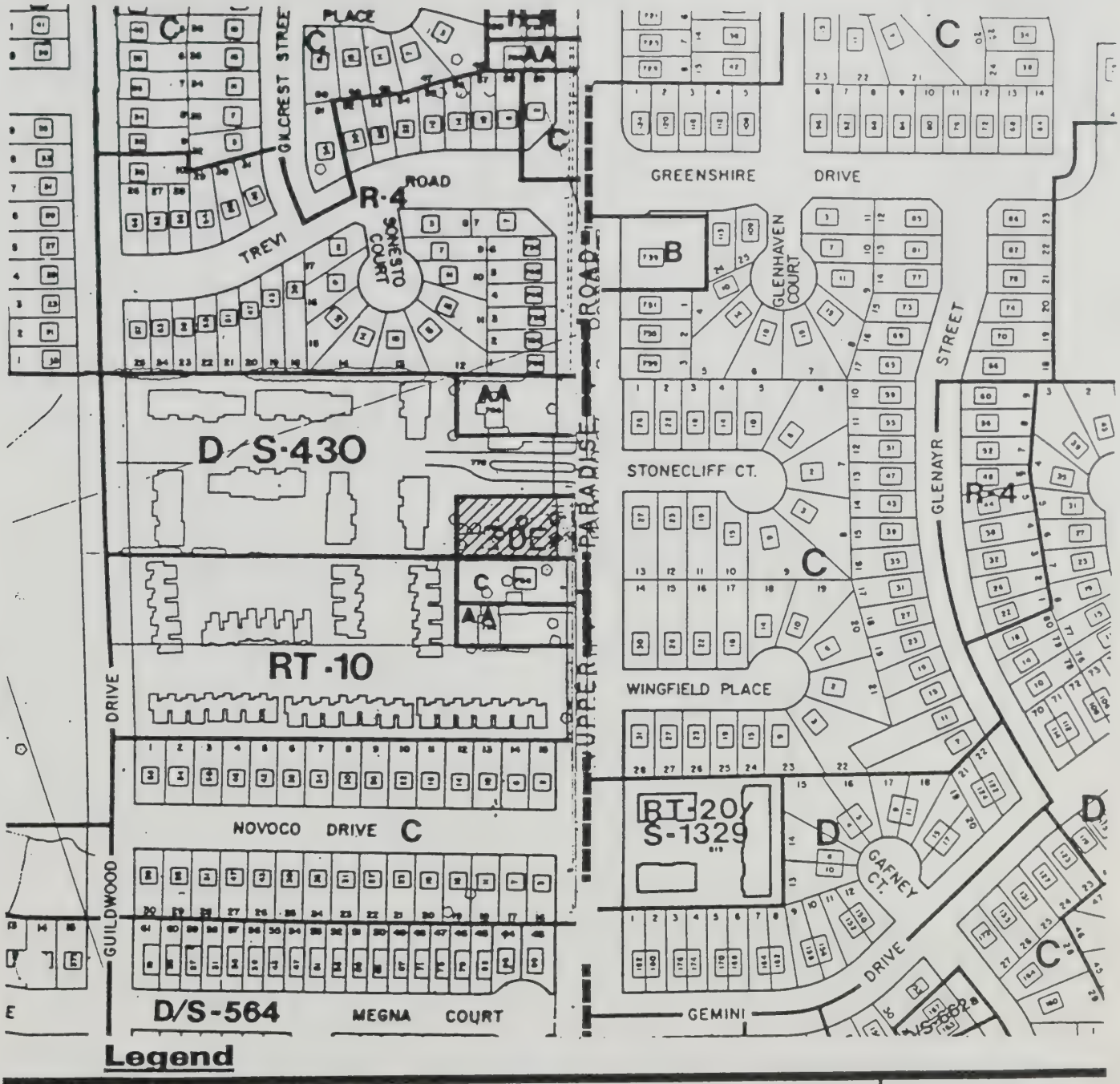
- The by-law requires a minimum of seven (7) parking spaces, however only 6 are provided. The Public Works and Traffic Department advised that this reduction can be supported.

4. The "DE" (Low Density Residential Dwellings) District is subject to Site Plan Control, therefore matters relating to landscaping, drainage, elevations, etc. can be evaluated at that time.

CONCLUSION:

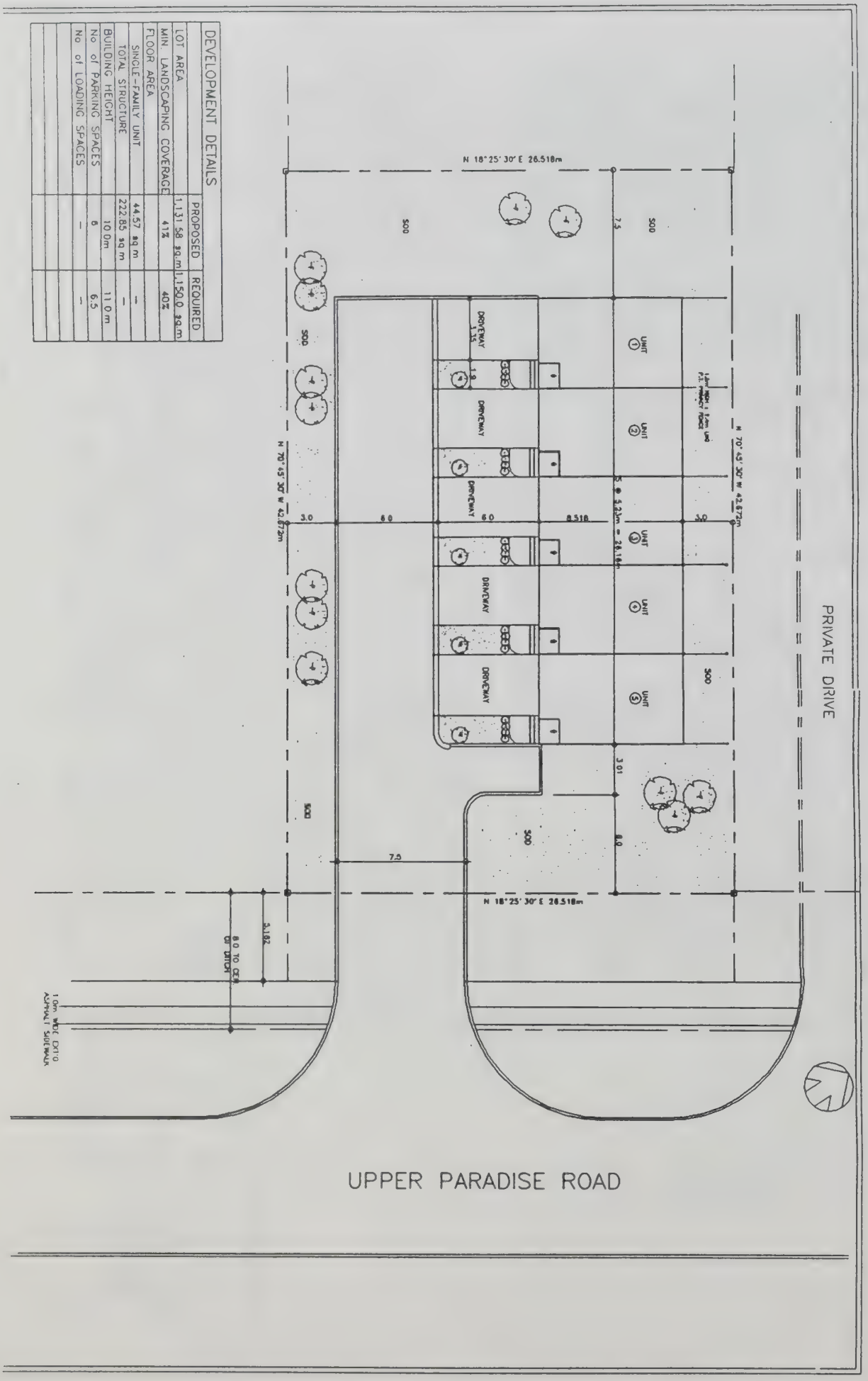
Based on the foregoing, the amended application can be supported.

ZAC-97-12



Reference File No.	
ZAC-97-12	
Drawn By	Date
B.B.	Aug. 1997
Scale	
Not to Scale	
North	

Site of the Application


DEVELOPMENT DETAILS
PROPOSED
REQUIRED
LOT AREA
1,131.58 sq.m
1,150.0 sq.m
MIN. LANDSCAPING COVERAGE
41%
40%
FLOOR AREA
SINGLE-FAMILY UNIT
44.57 sq.m
--
TOTAL STRUCTURE
222.85 sq.m
--
BUILDING HEIGHT
10.0m
11.0m
No of PARKING SPACES
6
6.5
No of LOADING SPACES
--
--
N 18° 25' 30" E 26.518m
N 70° 43' 30" W 42.672m
SOD
DRIVEWAY
UNIT
PRIVATE DRIVE
7.5
3.0
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UPPER PARADISE ROAD

5.

TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Business Improvement Area (BIA)
Co-ordinating Committee

DATE: September 12th, 1997

RE: Commercial Improvement Programme Funding

BACKGROUND

The Business Improvement Area Co-ordinating Committee represents all seven Business Improvement Areas within the City of Hamilton;

Barton Village BIA
Concession Street BIA
Downtown Hamilton BIA
Main West Esplanade
International Village BIA
Ottawa Street BIA
Westdale Village BIA

These seven BIA's represent over one thousand businesses within seven wards within the City of Hamilton.

The Commercial Improvement Programme - Phases I and II

The objective of the Program is to finance streetscape improvements on publicly owned lands, subsidized public art within a BIA (wall murals, etc.) and, subsidized comprehensive studies undertaken by BIA's that provide guidelines for future growth and development

Items that have been implemented utilizing monies from Phase I of the program include: benches, planters, banners, specialty lighting alleyway lighting, etc. Monies were also utilized from these funds to set-up accounts to implement the Commerical Property Improvement Program that offers property owners of commercial buildings within BIA's financial help to upgrade/renovate the interior and exterior of their buildings on a loans basis.

The implementation of this program demonstrates the City's support of BIA's and helps spur the economic vitality of the Areas. Physical improvements together with the synergy created through business development strategies for BIA's benefit the businesses through creation of a more viable business area, the public through improved services within their neighbourhoods and the City, since the more viable Hamilton's business areas are, the more taxes are derived.

The funding under this programme from Phase I needs replenishing. The Business Improvement Area Co-ordinating Committee is requesting at this time, consideration of the following:

Recognizing that we must all operate under fiscal restraint during these uncertain times, we are requesting replenishment of this fund to allow access to $15,000 per year, per Business Improvement Area for the next three years, ie., seven BIA's at $15,000 each, for each of the next three years for a total of $315,000.00.

This would allow each Business Improvement Area to access funding to cover individual needs, using of course, the same criteria as we have used in the past.

The Business Improvement Area Co-ordinating Committee respectfully submits our request to this Committee for consideration.

Sincerely,

Shelagh Snider

Business Improvement Area
Co-ordinating Committee
Member

Turkstra Mazza Shinehoft Mihailovich Associates

Lawyers

Hamilton, Or

(905) 529-347(

or

Fax: (905) 529-3663

Please reply to: John Lewis

6.

September 3, 1997

DELIVERED

Alderman Bill McCulloch, Ward 2
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. McCulloch:

Re: 867 Charlton Avenue East, Hamilton

As you are aware from our recent exchange of telephone messages, I represent 744457 Ontario Limited c.o.b. Veterans Taxi ("Veterans") with respect to their prospective purchase of the above-noted property. As I believe you are also aware, the completion of this purchase is on hold pending resolution of the appeal by Brenda Mitchell of the Committee of Adjustments approval allowing Veterans to run a taxi business from the subject property.

I am pleased to advise that after numerous meetings with representatives from the Stinson Neighbourhood Association, we have agreed to settle this dispute. The essential terms of settlement are that Ms. Mitchell will withdraw her appeal provided that the area of the property which is site specifically zoned to allow a commercial mini-golf operation be rezoned to have that site specific zoning of the subject property removed. As I understand it, the area in question would then be exclusively zoned "A" which is conservation, open space, park and recreation. The settlement is conditional upon the City Planning and Development Committee and City Council initiating the rezoning of that portion of the subject property as noted above.

We would greatly appreciate your assistance in facilitating the initiation of that process.

Please call me when you have a chance so that we can discuss what steps may be involved in completing this settlement in more detail.

Yours truly,

John Lewis

JML:ns

7(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management.

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-105, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	Fever Night Club/The Parlour/Montfort Restaurant
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
K. Wiegand	McCarthy Hearing Aids

2. That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-105 pursuant to (1) above.

Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Downtown Hamilton B.I.A.'s Board of Management met on 1997 August 20 and elected M. McNally and K. Wiegand to the Board.

DL:HM:hm
P&DDown.Revised

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Patrice Noé Johnson
City Solicitor
Law Department

7 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Impact of Bill 106 on Business Improvement Areas (B.I.A.'s) - Creation of a Steering Committee.

RECOMMENDATION:

a) That a Steering Committee be established under the auspices of the Commissioner of Public Works and Traffic, to address the pending impact of Bill 106 "The Fair Municipal Finance Act" on B.I.A.'s which comes into effect 1998 January 01; and,

b) That the composition of the Steering Committee be as follow:

(i) Two elected officials
(ii) A representative from the Public Works and Traffic Department
(iii) A representative from the City Clerk's Department
(iv) A representative from the Law Department
(v) A representative from the Treasury Department
(vi) Three members of the B.I.A. Co-ordinating Committee

c) That the Steering Committee be requested to review Bill 106 and address the following:

(i) The appropriate process for approval of the 1998 B.I.A. Budgets
(ii) The appropriate process for approval of the 1998-2000 B.I.A. Boards of Management
(iii) Municipal/B.I.A. division of responsibilities; and,

d) That the Steering Committee report back its findings to the Committee at its October meeting.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Section 220 of The Municipal Act governs B.I.A.'s and stipulates that the membership is comprised of individuals that are assessed for business within the designated area. The membership ultimately votes on the B.I.A. budgets and elects its Board of Management. Bill 106, The Fair Municipal Finance Act, which has received Royal Assent, comes into effect on 1998 January 01. Bill 106 eliminates Business Occupancy Tax (B.O.T.) and shifts the responsibility of the B.I.A. levies to the property owner, unless the property owner has leased the property and, through the lease, the tenant is responsible for paying taxes. This has a profound impact on the operation of B.I.A.'s within Ontario.

While it is understood that the make-up of the membership will change bringing with it the need to educate the property owners on the B.I.A. concept, the pending issue that needs to be addressed is the transitional period. B.I.A.'s normally hold their Annual General Meetings to adopt their following year's budget in the Fall. The budgets are ultimately approved by City Council in December and, the first installment of the B.I.A. levy is forwarded to the B.I.A. at the beginning of January. Also, this year, as stipulated in the existing legislation, the Board of Management will hold office to coincide with the term of the Council that adopts it. Therefore, the B.I.A.'s must elect a new Board of Management this year for a three year term. The pending question is when should the A.G.M.'s take place to ensure compliance with existing and new legislation, taking into consideration that the B.I.A.'s are corporate entities that have financial responsibilities, as well as the fact that ultimately the City is responsible for any assets or liabilities if a B.I.A. is disbanded.

BACKGROUND:

Bill 106, The Fair Municipal Finance Act, was introduced for its First Reading in January 1997. The B.I.A. Co-ordinating Committee, a forum for Hamilton's seven B.I.A.'s to discuss common issues, reviewed the Bill and responded to the Ministry with its concern on the impact of shifting the responsibility of the B.I.A. levy to property owners, unless through a lease the tenant is responsible for paying taxes. A copy of the response was sent under separate cover to members of Council and is attached to this report.

B.I.A.'s throughout Ontario have contacted, and continue to contact, their local M.P.P.'s to discuss the impact of Bill 106 on the operation of B.I.A.'s in an attempt to persuade the Province to amend the legislation to safeguard the B.I.A. program.

At a recent Association of Municipalities of Ontario (A.M.O.) meeting, concerns were raised with respect to the impact of the legislation on B.I.A.'s and the response from the Deputy Minister of Revenue and Financial Institutions was apparently positive, in that she indicated a desire to work with Municipal Affairs staff to resolves the issues. In a recent conversation with Municipal Affairs staff, it was confirmed that a review of the impact of Bill 106 on B.I.A.'s will probably take place in the Spring/Summer of 1998. Therefore the municipality and Hamilton's B.I.A.'s must address the transitional period as soon as possible to ensure complaince with the legislation.

DL:HM:hm
P&DBill106

c.c. Members of the B.I.A. Co-ordinating Committee

P. Noé Johnson
City Solicitor

A. Ross
City Treasurer

J. Schatz
City Clerk

Department of Public Works and Traffic

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-2755 / Fax (905) 546-2443
Our File No: 6049.00

1997 May 13

Ministry of Municipal Affairs and Housing
13th Floor
777 Bay Street
Toronto, Ontario
M5G 2E5

Attn: Mirko Lakoseljac
Senior Economist, Municipal Finance Branch

Dear Mirko:

Re: Impact of Bill 106 on Business Improvement Areas (B.I.A.'s) -
Response from Hamilton's B.I.A.'s.

Representatives from Hamilton's seven B.I.A.'s recently had the opportunity to hear presentations from your office and Hamilton-Wentworth's Assesssment Office, on Bill 106 and its impact on B.I.A.'s. While supporting the premise of Bill 106 - to implement a fairer, simpler and a more understandable assessment system - the Bill's direct impact on B.I.A.'s cause some concern. The following summarizes our preliminary response:

Elimination of the Business Occupancy Tax

The need to address a tax devised in 1904 with different rates for different types of businesses is understandable. However, the money formerly generated through B.O.T. will be shifted to another class(es). Recognizing that it will be a municipal decision as to which class(es) the money will be recovered, members of the B.I.A.'s will voice their concern to municipal politicians.

Presently B.I.A. levies are the responsibility of individuals assessed for business within the designated area. The elimination of B.O.T. has a significant affect on B.I.A.'s. The proposal to shift the responsibility of B.I.A. levies from business owners/operators to property owners brings with it many questions that to date have been unanswered. These include:

...../2

- If a property owner has a building that accommodates multi-businesses and receives one tax bill for the entire building, whose responsibility is it to breakdown the bill to fairly represent a figure for each individual business? This question is also posed for B.I.A. levies, since the B.I.A. levy will be based on "rateable property".

- By putting the onus of the notice of intent to designate an area as a B.I.A. to the property owner/landlord, what will happen in the case when this individual is out of the country for an extended period of time, thereby not receiving notice and not providing a list of the businesses/tenants located within the property to the City Clerk. The failure to notify tenants appropriately could cause a potentially volatile situation and result in the demise in an area designated through lack of appropriate notice.

- In a situation where a property owner owns 75% of the property within a designated area, how much control will that individual owner have on decisions of the B.I.A.?
- When a lease between an owner and business tenant is not 'net' the responsibility of the B.I.A. levy will become the property owner(s). This could cause a lot of negatism among areas already established. Will existing B.I.A.'s be grandfathered?

- In Provinces such as British Columbia, where the B.I.A. legislation was originally created to include property owners, payment of levies by property owners is an accepted part of the buy-in to the designation process. The philosophy of existing B.I.A.'s designated in Ontario, is that the business owners collectively promote and beautify their areas and pay for the improvements through a self-imposed levy. The shifting of the responsibility of the B.I.A. levy to the property owner could start the demise of B.I.A.'s throughout Ontario.

- If a property owner wants to shift the B.I.A. levy to a tenant but has a "gross" lease, there is the potential for increased litigation for opening up leases. This could also create an acrimonious relationship between the property owner and the tenant.

We do see some benefits of proposals contained within Bill 106 which include:

- The collectibility of B.I.A. levies. Since the tax will now become the responsibility of the property owner, it will be easier to collect due to mechanisms in place at the municipal level i.e. liens registered on property if taxes not paid, property owners not being as volatile as businesses.

- An inducement to property owners to keep their properties occupied to enable the downloading of the responsibility of the B.I.A. levy.

In conclusion, the above is our preliminary response from information received to date on Bill 106. It does not preclude further responses in the future.

...../3

We hope the above thoughts are beneficial to your assessment of the impact on Bill 106 to B.I.A.'s. Please contact me if you require clarification of the above or, would like to contact any of the B.I.A.'s in Hamilton.

Yours truly,

H. Milsome/mc

Hazel Milsome,
Secretary, Hamilton's Business Improvement Area
Co-ordinating Committee

c.c. Dominic Agostino, M.P.P.
Hamilton East

David Christopherson, M.P.P.
Hamilton Centre

Trevor Pettit, M.P.P.
Hamilton Mountain

Mayor Morrow
Alderman M. Kiss, Ward One
Alderman M. Caplan, Ward One
Alderman V. Agro, Ward Two
Alderman W. McCulloch, Ward Two
Alderman B. Morelli, Ward Three
Alderman D. Drury, Ward Three
Alderman G. Copps, Ward Four
Alderman D. Wilson, Ward Four
Alderman H. Merling, Ward Seven
Alderman T. Anderson, Ward Seven

7(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) - Expansion of Boundaries.

RECOMMENDATION:

1. That the Downtown Hamilton B.I.A. boundaries be expanded to incorporate businesses on the east side of James Street North from the existing boundary to 44 James Street North and, on the north side of King William Street from James Street North to Mary Street, as per Appendix 'A'; and,

2. That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

3. That the Law Department be authorized and directed to prepare the necessary amending by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Section 220 of the Municipal Act dictates the necessary notification process for the expansion of a B.I.A.

There are no staffing or financial implications for the City of Hamilton.

BACKGROUND:

The Public Works and Traffic Department received a letter dated 1997 September 11 (attached as Appendix 'B') from the Downtown Hamilton B.I.A. requesting that its boundaries be expanded. The proposed expansion incorporates a number of businesses that have expressed interest in being included within the B.I.A.

In accordance with Section 220 of The Municipal Act, all of those within the existing and proposed expansion area assessed for business purposes and included in the last revised assessment roll must receive notice of the intention to pass the expanding by-law.

DL:HM:hm
Attach.
P&DDown.Expansion

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Patrice Noé Johnson
City Solicitor
Law Department

Joe Schatz, City Clerk
City Clerks Department

APPENDIX "A"

MACNAB STREET SOUTH
KING STREET WEST
JAMES STREET SOUTH
JAMES STREET NORTH
HUGHSON STREET SOUTH
HUGHSON STREET NORTH
KING STREET EAST
GORE PARK
KING WILLIAM STREET
REBECCA STREET
PARKING AREA
JOHN STREET SOUTH
JOHN STREET NORTH
CATHARINE STREET SOUTH
CATHARINE STREET NORTH
MARY STREET
MAIN STREET EAST
DOWNTOWN B.I.A.

APPENDIX B

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)

64 KING STREET EAST, 2ND FLOOR, HAMILTON, ONTARIO, L8N 1A6, TEL (905) 523-1646 FAX (905) 523-5433
E-MAIL: DOWNTOWNHAMILTON@COMPUSERVE.COM

September 11, 1997

VIA FAX

Hazel Milsome
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

RE: BIA EXPANSION

Dear Mrs. Milsome:

As you are aware, a public information meeting was held last evening to discuss the possibility of expanding the boundaries of the Downtown Hamilton Business Improvement Area (BIA).

Based on the results of the meeting, I would request on behalf of the BIA that you commence with the necessary procedures which would see the boundaries of the BIA expand to include the north side of King William Street from James Street to Mary Street and the east side of James Street North from the current boundary to King William Street.

Please call BIA Executive Director Carlo Gorni if you have any questions.

Regards,

Carol Jamieson
Chair

DISTRIBUTED FOR INFORMATION
TO MEMBERS OF THE DEVELOPMENT
1997 Sept.
DATE

7(d)

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 September 16
E205-05, M.J. Inrig

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic
Department of Public Works and Traffic

SUBJECT: Roadway Standards in Subdivisions

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

none

BACKGROUND:

Planning and Development Committee have requested development staff to prepare an information report outlining the City's current roadway standards and road allowance widths for new subdivisions. The following is some background on our current standards.

ROADWAY/SIDEWALK STANDARD

In the seventies, mountable curbs came into use primarily at the request of the development community, who at the time, were looking for a solution to the costly replacement of misplaced driveway approaches. Also, the mountable curb provided a continuous drainage gutter, whereas driveway approachs in the previous design created an obstruction because they projected into the roadway from the face of the curb. Mountable curbs provide access at any point along the entire frontage of a lot. This way, a house could be oriented on a lot in any way, at any time, without conflicting with the location of a driveway approach.

Cont'd...

Roadway Standards in Subdivisions

Cont'd...

Mountable curbs however, had a number of disadvantages. The profile of the curb caused "bottoming out" to occur when vehicles approached the driveway perpendicular to the curb, as in the case of driveways at the end of a court. Mountable curbs made it easy for vehicles to mount the sidewalk at any location causing a hazard to pedestrians and a tendency for motorists to park on the sidewalk. Street sweeping and flushing operations throw grit and debris onto the sidewalk as there is no barrier to stop the material. Lastly, wheelchair access on a mountable curb was difficult.

In 1991 Regional Council directed staff to eliminate mountable curbing in new subdivisions within the Region. On 1992 April 14 City Council in adopting Item 27 of the Transport and Environment Committee Report 5-92 approved the current standard. The current standard consists of an 8.5 metre wide paved road surface and a barrier curb with 1.0 metre sodded boulevard and a 1.5 metre wide independent sidewalk on both sides of the road.

The barrier curb with 1.0 metre boulevard design provides better and safer separation between vehicle and pedestrian traffic. The boulevard is a storage area for snow in the winter, after the street and sidewalk have been cleared. Also, the boulevard provides an area for the driveway approach, so it does not cause dipping of the sidewalk or project into the roadway. Keeping the boulevard narrow (1.0 metre wide) discourages vehicle parking on the boulevards. The boulevard also serves to diminish the effect of frost heave in the spring, resulting in substantial differences in elevation between a curb and sidewalk when they are combined. Lastly, because the barrier curb has no gutter, inconsistencies in the grade of the road surface at the curb can be easily corrected, whereas in the old mountable curb design, the concrete gutter also had to be adjusted.

From a technical point of view, there are many advantages to the barrier curb and independent sidewalk standard and after a number of years since its incorporation, these reasons are still valid today. Clearly, the only negative aspect to the current design is that it has not been accepted by the residential community, primarily because they feel there is insufficient driveway depth to accommodate two parked vehicles. However, it is difficult for staff to recommend any change to the current standard for this reason.

Cont'd...

Roadway Standards in Subdivisions

Cont'd...

ROAD ALLOWANCE WIDTH

Currently, the standard width for a local road allowance in residential subdivisions in Hamilton is 20 metres. A road allowance width of 20 metres (historically known as 66 feet) sufficiently accommodates a local road with a paved surface of 8.5 metres in width and a 1 metre boulevard with 1.5 metre independent sidewalk on both sides. Utilities, such as bell, gas, hydro and T.V. cable, can be accommodated within the sodded portion of the road allowance, between the sidewalk and the road allowance porperty line.

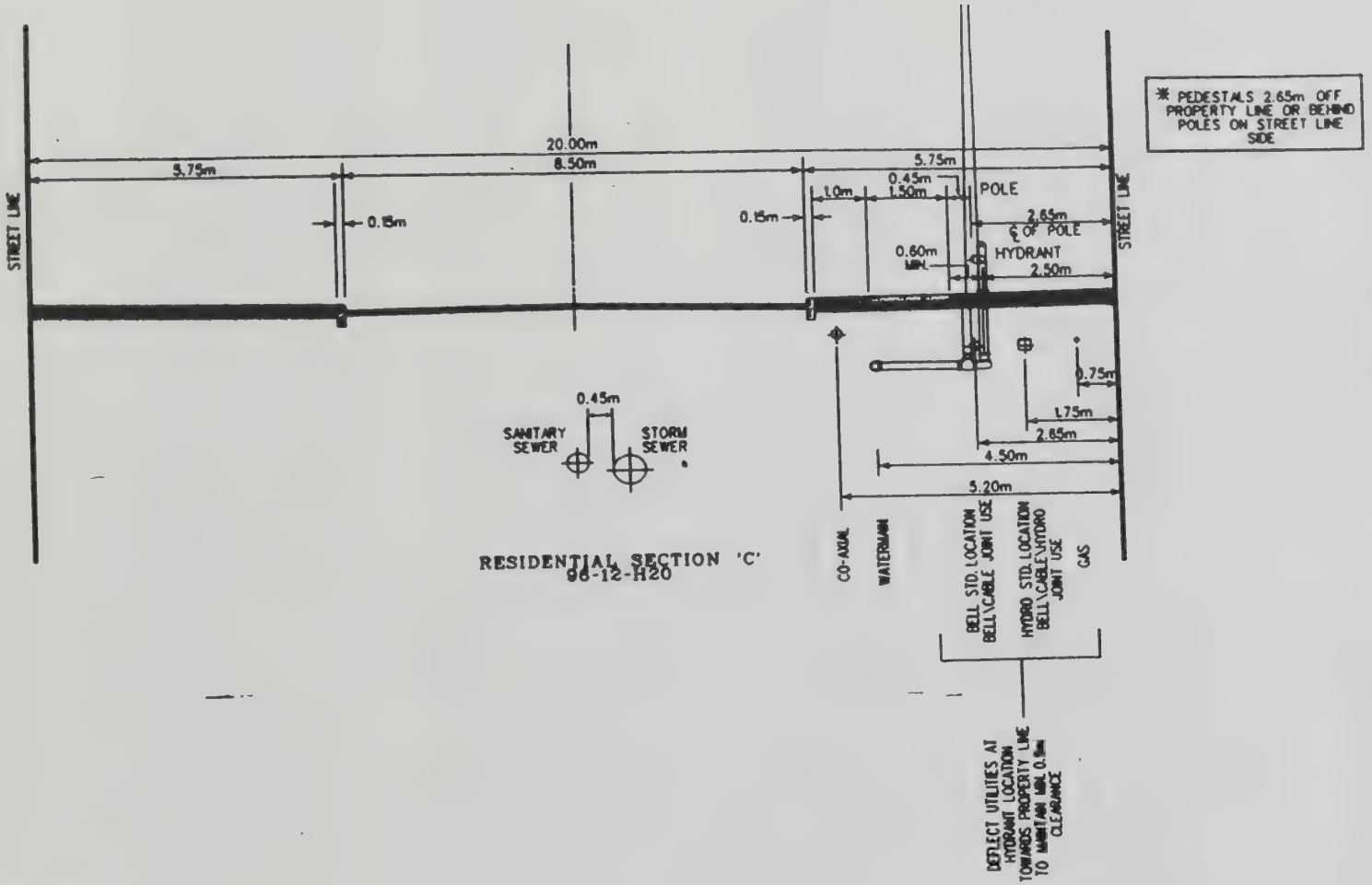
A 26 metre wide road allowance is also used in residential subdivisions for mid-block collector roads which provide vehicle access into and out of residential neighbourhoods. The mid-block collector roadway has been widened from a standard local road to accommodate vehicle left turn lanes and wider sidewalks for higher pedestrian traffic. The 20 metre and 26 metre wide road allowance are the standards currently used in residential subdivisions in the City of Hamilton.

There are some development situations where it has not been possible to accommodate a 20 metre road allowance and still achieve sufficient lot depth to satisfy local zoning by-laws. In these cases a compromise must be reached in order to develop the land. An eighteen (18) metre wide road allowance has been considered for minor cul-de-sacs and minor crescents of lesss than 30 residential units within the City of Hamilton. It is the developer's responsibility to co-ordinate the location of underground plant within the road allowance with the utility companies to the satisfaction of the municipality prior to approval of an 18 metre width.

Recent government inititives have called for intensification of land use within development by incorporation of such features as alternative design standards, reduced road widths and rear laneways. In order to properly consider changes to road allowance widths and function of new roads it would be necessary to conduct a comprehensive study to examine implications of these changes on urban land use, urban design aspects as well as maintenance and operation issues. A study of such broad scope would require the resources of a consultant to perform the proper research and make appropriate recommendations.

MJI:

cc: R.P. Meiers, Public Works Department,



RESIDENTIAL SECTION 'C'
96-12-H20

* AFTER SEWERS AND WATER, HYDRO IS FIRST UTILITY TO BE INSTALLED

RESIDENTIAL SECTION 'C'
FOR 20m ROADWAY
CROSS-SECTION
96-12-H20

8(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: CN Station - Heritage Easement Agreement

RECOMMENDATION:

a) That a letter be sent to the Minister of Canadian Heritage advising that the City supports the recommendation of the Department of Canadian Heritage to implement a Heritage Easement Agreement with the Ontario Heritage Foundation as part of the terms of sale of the CN Station located at 360 James Street North/241 Stuart Street, Hamilton, to the prospective owners in order to ensure the preservation of the railway station; and,

b) That approval be given to the Ontario Heritage Foundation's request for a municipal contribution towards monitoring the Heritage Easement consisting of the following:

(i) a one-time contribution to the Ontario Heritage Foundation in the amount of $8,300 to be financed through the Heritage Acquisition Reserve Account (Centre No. CH 00120); and,

(ii) annual site visits to be undertaken by municipal Heritage Planning Staff.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding for the one time cost of $8,300 toward a Heritage Easement is available in the Heritage Acquisition Reserve Account (Centre No. CH 00120).

Heritage Planning Staff can incorporate into its work program, the annual site visit to monitor the Heritage Easement as requested by the Ontario Heritage Foundation.

BACKGROUND:

The Local Architectural Conservation Advisory Committee (LACAC) at its meeting held 1997 June 9, agreed to convey its concern to the Department of Canadian Heritage that no plans for the future use of the Hamilton CN Station had been submitted within the time limit established under the Federal Heritage Railway Stations Protection Act.

On 1997 July 23, the Historic Sites and Monuments Board of Canada sent a letter to Mr. Vecchi, a prospective buyer, indicating that it is their belief, in the absence of specific information on the intended use of the station building, to require, as a condition of sale, a Heritage Conservation Easement to ensure the long-term protection of the Station once it leaves the protection of the Heritage Railway Stations Protection Act.

LACAC was also in receipt of a letter dated 1997 August 7 from the Office of the Minister of Canadian Heritage sharing the Committee's concerns that no action will be taken relative to the sale of the Station until mechanisms are in place to ensure the long-term protection of the distinguishing heritage features of the Station, irrespective of the future use of the building.

The Ontario Heritage Foundation has advised that it has been necessary in recent years to institute a new policy for implementing Heritage Easement Agreements whereby a sum of money is requested, the interest from which is used to pay Ontario Heritage Foundation (OHF) costs to monitor easement agreements. In this particular case, the OHF has asked for $7,000 less than the usual fee, on the condition that municipal Heritage Planning Staff agree to undertake the annual monitoring of the site.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner

8 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 15

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Gore Heritage 2000 Program - Special Provision for Buildings with Frontages of Fifty Feet or More

RECOMMENDATION:

That approval be given to amend the Gore Heritage 2000 Program by providing an additional matching grant of up to $20,000 for heritage properties in the Gore Heritage Area (King Street East from James Street to Catharine Street) with a frontage of fifty (50) feet or more.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A Capital Budget of $200,000 for this Program was approved by City Council on 1997 March 18, a matching grant program, monies of which are awarded after the successful completion of the project.

BACKGROUND:

The Gore Heritage 2000 Program is a matching grant program to restore the historic building facades and improve storefronts; improve the quality of the commercial signage; and, enhance pedestrian amenities through the use of canopies in the Gore area.

In accordance with the terms of the Gore Heritage 2000 Program, each assessed property is eligible to receive one matching grant of up to $20,000. The intent of the above recommendation is to make the amount of funding available more equitable for properties with relatively large frontages (ie. the Woolworth building).

This provision would affect the following pre-1950 buildings/rowhouse units (each assessed as a single property):

1. 19-31 King Street East (former Woolworth store; currently under renovation for mixed retail/office use)

2. 35-41 King Street East (Park Place/The Right House)

3. 43-51 King Street East (former Kresge store; now a bingo hall)

4. 53-59 King Street East (one building with two storefronts)

5. 67-71 King Street East (three units of Stinson block with two storefronts)

6. 105-115 King Street East (former Spectator building)

7. 18-22 King Street East (Kerr block; three storefronts)

8. 82-112 King Street East (Royal Connaught Hotel and Annex)

9. 10 John Street South (former Dominion Public Building; under renovation for new Hamilton Courthouse)

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Allan Ross, Treasurer
Mark Mascarenhas, Manager, Housing and Loans Division, Building Department

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 September 24
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 August 20

B. BUILDING COMMISSIONER

(a) 139 Stone Church Rd E - demolition

(b) 141 St Clair Avenue - Community Heritage Trust Fund

(c) 353 Barton Street E - Commercial Property Improvement Loan Program

(d) 333 Barton Street East - Commercial Property Improvement Loan Program

C. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Request for a Validation Certificate pursuant to Section 57 by 822827 Ontario Inc., owner, for "Allison Estates - Phase 1, Stage 2" Subdivision Registered Plan 62M-795.

b) Application to Remove Part-Lot Control, by DiCenzo Construction Company, owner, for "Sandrina Gardens - Phase 2" Subdivision.

c) Application to Remove Part-Lot Control, by James Kemp Construction Limited, owner, for Lot 9, "Kemp Estates" Subdivision, 34 Rouge Hill Court.

d) "Claudette Gardens - Phase 9", Hamilton, (Cash Payment in Lieu of 5% Parkland Dedication)

e) Removal of the Deferral - Official Plan Amendment No. 66 (City of Stoney Creek) - Cardinal Newman High School Site.

f) Authorization to attend an Ontario Municipal Board Hearing, 35 Procter Blvd.

g) Application to Remove Part-Lot Control "Allison Estates - Phase 4" Subdivision, Registered Plan No. 62M-823 (PLC-97-03)

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1997 August 20
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman F. Eisenberger Alderman M. Caplan Alderman B. Charters Alderman H. Merling Alderman G. Copps
Regrets:	Mayor R.M. Morrow, Vacation Ald. W. McCulloch, Civic Business
Also present:	Alderman M. Kiss Victor Abraham, Director of Planning and Development Department Bill Janssen, Planning and Development Department Caroline Floroff, Planning and Development Department Nina Chapple, Planning and Development Department Roland Karl, Public Works and Traffic Department Eugene Chajka, Regional Environment Department Hazel Milsome, Public Works and Traffic Department Len King, Commissioner, Building Department Don Inglis, Building Department Stella Glover, Secretary

PUBLIC MEETINGS

Ald. D'Amico took the chair in the absence of the Chairperson, who had been delayed, and called the meeting to order.

Ald. D'Amico advised those present that as per the Planning Act the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Zoning Application 97-19 by Norris Transport, Owner, for a Modification in Zoning for Lands Located at 120 Ferrie Street**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer, dated 1997 July 28, respecting the above noted matter.

Caroline Floroff addressed the application and stated that of 220 notices sent out, 20 had been received in favour and 2 opposed.

Al Fletcher, on behalf of the prospective purchaser, agreed with the recommendation of the report.

The Chairperson invited anyone present who wished to speak to the application to come forward, however no-one responded.

Ald. Caplan asked that fencing of the alleyway beside the property be made a condition of the site plan.

Caroline Floroff advised that the fencing requirement will have to be a requirement of the rezoning in the site plan.

After consideration the Committee approved the amended recommendation as follows:

That approval be given Zoning Application ZAC-97-19, Norris Transport, owners, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations to permit the development of six (6) single family detached dwellings, for the property at 120 Ferrie Street, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner demonstrates that the site is not contaminated and that remediation/clean-up has occurred or may be required in accordance with the "Guidelines for Use at Contaminated Sites in Ontario - June 1996" (as amended from time to time), to the satisfaction of the Regional Environment Department.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District, modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(b) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Subsection 10(3)(ii), a side yard of at least 1.0 m shall be permitted; and,

(ii) That notwithstanding Subsection 10(4)(i), a lot width of a least 8.8 m and a lot area of at least 271.6 m^2 shall be permitted; and,

(iii) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the easterly lot line; and,

(c) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1385, and that the subject lands on Zoning District Map E-2 be notated S-1385; and,

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-2 for presentation to City Council; and,

(e) That upon approval of the Zoning By-law amendment, the North End East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double"; and,

(f) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

Ald. Copps was recorded as opposed to the recommendation.

2. **Zoning Application 97-23 by DiCenzo Construction Company Limited, Owner, for a Change in Zoning for Lands Located West of Upper Wellington Street and North of Rymal Road East.**

The Committee was in receipt of a report dated 1997 July 23 from the Director of Planning and Development and the Chief Administrative Officer respecting the above noted matter.

Caroline Floroff addressed the report and advised that it complied with the Official Plan and with the uses in the area.

The Chairperson invited anyone present who wished to speak to the application to come forward, however no-one responded.

A representative of DiCenzo Construction Company Limited, 1070 Stone Church Road East stated that he agreed with the staff recommendation with the exception of the holding provision. He stated that in his opinion this was overcomplicating what should be a very straightforward plan.

After consideration the Committee approved the amended recommendation as follows:

That approval be given to Zoning Application ZAC-97-23, DiCenzo Construction Company Limited, owners, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single Family) District for property located west of Upper Wellington Street and north of Rymal Road East, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject lands be rezoned from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single Family) District; and,

(b) That the Director of Planning and Development be authorized to prepare a By-law to the satisfaction of the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(c) That upon finalization of the Zoning By-law amendment, the approved Ryckmans Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential"; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 97-13 by Homes by Oakbrook (Nik Uhac), Owner for a Change in Zoning for Property Located Between No. 14 and No. 24 East 35th Street.**

The Committee was in receipt of a report dated 1997 July 25 from the Director of Planning and Development and the Chief Administrative Officer, respecting the above noted matter.

Caroline Floroff addressed the report and explained the proposed change in zoning from "E" to "RT-30" to permit development of four townhouses at 14 and 24 East 35th Street. It was noted that severance applications had not yet been filed.

The Committee was advised that of 705 notices sent out, 8 had been received in favour and 10 opposed to the application.

Mr. Fletcher of 155 James Street South, Suite 125, attended on behalf of the owner and spoke in favour of his plan which he felt best supported the staff recommendation.

The Chairperson invited anyone present who wished to speak to the application to come forward, however no-one responded.

After consideration the Committee approved the following:

That approval be given to Zoning Application 97-13, Home by Oakbrook (Nick Uhac), owner, for a change in zoning from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District modified, to permit the development of the subject lands for 4, three storey townhouses, for property located between No. 14 and No. 24 East 35th Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the lands be rezoned from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District; and,

(b) That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 10F (4) of Zoning By-law No. 6593, the following yards shall be provided and maintained:-

(1) a front yard depth of not less than 1.3 m and a 2.3 m depth to the garage; and,
(2) a rear yard depth of not less than 4.7 m; and,
(3) a side yard depth of not less than 2.0 m; and,

(ii) That notwithstanding Section 10F (6) of Zoning By-law No. 6593, each dwelling unit shall have a minimum lot area of 102.0 m^2 and a minimum lot width of 5.93 m; and,

(iii) That notwithstanding Section 18 (9) of Zoning By-law No. 6593, the manoeuvring spaces for the required parking may be provided off-site; and,

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1386, and the subject lands on Zoning District Map E-35 be notated S-1386; and,

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. **Zoning Application 97-18 by Enio Prosperi, Owner, for a Change in Zoning for the Rear Portion of 5 Dodson Street Which Fronts Onto Welbourn Drive and is North of McElroy Road East and East of Dodson Street.**

The Committee was in receipt of a report dated 1997 August 8 from the Director of Planning and Development and the Chief Administrative Officer respecting the above noted matter.

The Committee was also in receipt of two letters of opposition to the application from:

(a) Lloyd W. Smith, 111 McElroy Road East, and
(b) C.R. Gowers and Terry (G.J.) Gowers, 107 McElroy Road East

Caroline Floroff addressed the report and advised that of 105 notices sent, 8 had been received in favour and 28 opposed to the application.

The Chairperson then invited anyone present who wished to speak to the application and the following persons came forward:

Raymond La Pointe of 120 Hoover Crescent stated that his residence faced the subject property and that he had lived there for 25 years. Since the change of ownership from the Railway Company the condition of the property had deteriorated. Mr. La Pointe stated that he was opposed to small family dwellings being built on the property because they would not be consistent in size with the existing lots.

George Gauthier of 152 Hoover Crescent expressed concern at what would happen to the remaining 200' which will be left facing Dodson Street. He stated that he would like to see a plan for the complete area before any variances are even considered.

Bruce Blanchard of 175 Welbourn Drive advised of his concern with regard to parking. He stated that he was in agreement with the comments made by the previous speakers.

At this point the proponent of the application was given the opportunity to speak but declined to do so.

After consideration the Committee approved the following:

That Zoning Application ZAR-97-18, Enio Prosperi, Vera Prosperi, Maurio Prosperi and Cesare Prosperi, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District, for the rear lands of 5 Dodson Street which front onto Welbourn Drive and north of McElroy Road East, as shown on the attached map marked as

Appendix "D", be denied because the proposed application is not considered to be consistent with the established residential character of the neighbourhood.

At this point Alderman Drury joined the meeting and took the chair.

5. **Zoning Application 97-04 by Good Shepherd Non-Profit Housing Corporation, Prospective Owner, for a Change in Zoning for Property Located at 100 Locke Street South.**

The Committee was in receipt of a report dated 1997 August 12 from the Director of Planning and Development and the Chief Executive Officer, respecting the above noted matter.

The Committee was also in receipt of letters of support for the application from the following:

(a) Sarah Whatmough, Secretary, Kirkendall Neighbourhood Association, and
(b) Grant Johnson, The Beasley House Bistro & Pub, 96 Locke Street South, Hamilton, L8P 4A4

Representatives of the owners were in attendance, and no-one spoke in opposition to this application.

After consideration the Committee approved the following:

That approval be given to Zoning Application 97-04, by Good Shepherd Non-Profit Housing Corporation, prospective owner, for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District, modified, to permit the development of the subject lands for a three (3) storey, 15 unit apartment building for property located at 100 Locke Street South, shown on the attached map marked as Appendix "E", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until such time as the Regional Environment Department has advised in writing that:

(i) the applicant has completed "Step 3 - Remedial Work Plan" and "Step 4 -Record of Site Conditions" of the Environmental Assessment and any required works, to the satisfaction of the Regional Environment Department and the Ministry of Environment and Energy; and,

(ii) City Council may remove the 'H' symbol, and thereby give effect to the "DE-3" District modified provisions as stipulated in this By-law, by enactment of an amending By-law once this condition has been fulfilled; and,

(b) That the lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District; and,

(c) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 10C(3), a front yard of a depth of not less than 2.0 m shall be provided and maintained along the entire southerly boundary of the subject lands; and,

(ii) That notwithstanding Section 10C(3), a side yard of a depth not less than 2.0 m shall be provided along the entire easterly boundary of the subject lands; and,

(iii) That notwithstanding Section 10C(3), a side yard of a depth not less than 4.0 m shall be provided along the entire westerly boundary of the subject lands; and,

(iv) That notwithstanding Section 18A.(1) of Zoning By-law No. 6593, not less than 13 parking spaces shall be provided and maintained on the subject lands; and,

(v) That notwithstanding Section 18A.(1) of Zoning By-law No. 6593, no loading space shall be required on the subject lands; and,

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1387, and the subject lands on Zoning District Map W-13 be notated S-1387; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-13 for presentation to City Council; and,

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(g) That upon finalization of the implementing By-law, the approved Kirkendall North Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Low Density Apartments."

6. Rental Housing Protection Act Application - 21 Kendale Court (CD-97-002) (Rolston Neighbourhood).

The Committee was in receipt of a report dated 1997 August 7 from the Director of Planning and Development and the Chief Executive Officer concerning the above noted matter.

The Committee was also in receipt of letters of opposition to the proposed conversion from the following:

(a) Carol Shields, 303-21 Kendale Court
(b) Elizabeth Vaillancourt, 106-21 Kendale Court
(c) I. Summerfield, 310-21 Kendale Court

John Ariens, Planner with Planning and Engineering Initiatives, 69 John Street, Hamilton, on behalf of the owners of 21 Kendale Court, spoke in favour of the proposal.

Bill Janssen spoke against the proposal stating that the removal of the units from the rental marketplace would adversely affect the overall rental apartment vacancy rate and the vacancy rate by specific bedroom type within the Hamilton Mountain Zone.

The proponents of the proposal, Mr. DiCenzo and Mr Ariens, spoke against the recommendation to deny stating that four out of five criteria had been met. They had requested specific statistical data from CMHC which they felt would indicate that the fifth criteria had in fact been met. Therefore they did not feel that the supply of affordable housing in Hamilton would be adversely affected by the application.

At this point a letter arrived by fax from the Ministry of Municipal Affairs and Housing Rent Control Programs which Bill Janssen stated was the standard response received for condominium conversion and did not impact on anything which staff had recommended.

The Chairperson then asked if anyone was present from the building who wished to speak to the application. Three residents were in attendance - one was undecided, one against - due to the increase in his rent. The third resident stated that he was not actually against the application, but was concerned about traffic through the parking lot. However he was advised that this was an issue for the Management Committee and not relevant to the application.

After consideration the Committee agreed to table the application for one month in order to obtain clarification with respect to the reserve fund for major repairs and parking issue.

Anyone who wished to be notified of a future meeting in this regard was asked to leave their name with the secretary and the following persons responded:

(a) Ivan Haynes, 508-21 Kendal Court, L9C 2T8 Tel: 575-7977
(b) Uriel Thompson, 301-21 Kendal Court, " " Tel: 388-8790
(c) Helen Lepine, 410-21 Kendal Court, " " Tel: 388-0452

7. **Zoning Application 97-21 by Sunshine Construction Inc., Owner, for Lands Located East of Omni Boulevard and North of Stone Church Road West.**

As recommended in a report dated 1997 July 30 from the Director of Planning and Development, the committee recommended to Council as follows:

(a) That the City of Hamilton consents to the application of Dicenzo Construction Company and Sunshine Construction Inc. for the rezoning of Block "3" being Part of Upper Horning Road (Part 5, 62R-9295) as shown on the attached Appendix "F", which land is to be sold by the City to the applicants and forms part of the rezoning application herein. The City agrees to sign all such requisite documents in relation to such application; and,

(b) That approval be given Sunshine Construction Inc.and DiCenzo Construction, owners, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

(Blocks "1" and "2") and "AA" (Agricultural) District (Block "3") to "C" (Urban Protected Residential, etc.) District, to permit the development of ten single family detached dwellings in conjunction with the adjacent lands, for property located east of Omni Boulevard and north of Stone Church Road West, as shown on the attached map marked as Appendix "G", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) to "C" (Urban Protected Residential, etc) District; and,

(ii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council; and,

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

8. Request for Rezoning as a City Initiative - Montgomery Creek Watershed Area

As recommended in a memorandum dated 1997 August 5 from the Secretary of the Transport and Environment Committee, the Committee recommended to Council as follows:

That the Planning and Development Department proceed with a City Initiative within the Montgomery Creek Watershed area attached hereto as Appendix "H", from "A" (Conservation, Open Space, Park and Recreation) District to "B-2" (Suburban Residential, etc., and "R-4" (Small Lot Single Family Detached) fronting on Mud Street.

9. Planning Tariff Fees - Condominium and Subdivisions

The Committee was in receipt of a report dated 1997 August 6 from the Director, Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

Dan Condon, Executive Officer and Sergio Manchia, Member of the Hamilton-Halton Home Builders' Association Board of Directors attended and expressed concern with the proposed increased fees. They stated that they were prepared to pay an equitable fee but were concerned at the perceived duplication of fees between the City and the Region and they felt that some of the increases were unjustified.

Victor Abraham addressed this issue and stated that since the separation of the Region and City Planning Departments the department now had to do its own analysis. The fees were based upon Council policy. He added that as long as two levels of government exist it would be necessary to have two fees.

After consideration the Committee denied the proposed planning tariff fees - condominium and subdivisions.

The Committee further agreed that a sub-committee made up of staff and politicians review the existing rules of the City and Region with regard to plans of subdivision and condominium and report back to the Planning and Development Committee with recommendations on how to streamline.

10. **Ferguson Avenue Redevelopment - Walkway Between Main and King Streets, Authorization to Expropriate**

As recommended in a report dated 1997 August 7 from the City Clerk, the Committee recommended to Council as follows:

(a) That the Corporation of the City of Hamilton as expropriating authority, apply to the Council of The Corporation of the City of Hamilton as approving authority for approval to expropriate the following lands for walkway and other municipal purposes:

(i) Part of Lot 14, Registrar's Compiled Plan 1391, having a frontage of 8.546 meters (28.04 feet) along the southern limit of King Street East, and a frontage of 6.621 meters (21.72 feet) along the northern limit of Main Street East, comprising an area of 647.1 square metres (6,965.16 square feet), as shown as Part 5 on Plan 62R-14129 (No. RB-H-578 Surveys), also known as part of municipal number 248 King Street East, Hamilton; and,

(b) (i) That the City Solicitor be authorized and directed to initiate expropriation proceedings, and that the Manager of the Real Estate Division be authorized and directed to retain an independent fee appraiser to prepare an appraisal of market value; and,

(ii) That the costs of the acquisition be charged to Account No. CF 5590 409755037 (Downtown Phase of the Ferguson Avenue Master Plan -Pedestrian/Bike Link - Land Acquisition); and,

(c) That the City Clerk be authorized and directed, pursuant to The Expropriation Act, to:

(i) Give Notice of the City's application to all owners, registered owners and tenants (as defined in The Expropriations Act) of the said land; and,

(ii) Advertise the Notice of the City's application in a newspaper as required by The Expropriations Act; and,

(iii) Sign and receive the said application for approval to expropriate.

Ald. Copps was recorded as opposed to the expropriation.

11. **Demolition of 272 Wellington Street North**

That the Building Commissioner be authorized to approve a demolition permit for 272 Wellington Street North, in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended.

12. **Fearman House, 90 Stinson Street - revised Plans for Proposed Alterations/Additions.**

As recommended in a report dated 1997 July 28 from the Acting Secretary of the Local Architectural Conservation Advisory Committee, the Committee recommended to Council as follows:

> That approval be given to the revised east elevation plans dated 1997 May 6, attached hereto and marked as Appendix "I", as an amendment to the Heritage Permit for the Fearman House located at 90 Stinson Street, Hamilton, as adopted by City Council on 1997 March 25.

13. CONSENT AGENDA

A. ADOPTION OF MINUTES

(a) The minutes of the meeting held 1997 July 2 were adopted as circulated.

(b) The minutes of the Special meeting held 1997 July 8 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) **Barton Village Business Improvement Area (B.I.A.) - Expansion of Boundaries, dated 1997 August 13:**

(i) That the Barton Village B.I.A. boundaries be expanded in a westerly direction to Ferguson Avenue and, in an easterly direction to Sherman Avenue North, incorporating the Westinghouse facilities as well as 139 Oak Avenue as per Appendix "J"; and,

(ii) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating By-law in accordance with Section 220 of the Municipal Act; and,

(iii) That the Law Department be authorized and directed to prepare the necessary amending By-law; and,

(iv) That in accordance with the Municipal Act, Section 220, Westinghouse Canada Inc.'s B.I.A. levy be based on one-third of its realty assessment for its facilities municipally known as 29 Princess Street, 286 Sanford Avenue North and 42 Westinghouse Avenue, since it will not receive as much benefit from the designation of the B.I.A. as do other businesses within the proposed expansion of the Barton Village B.I.A.; and,

(v) That in accordance with the Municipal Act, Section 220, sub-section (19), the City Clerk's Department be authorized and

directed to give the requisite notice of the intent to pass a By-law reducing Westinghouse Canada Inc.'s property assessment by two-thirds for B.I.A. levy purposes; and,

(vi) That the City Solicitor be authorized and directed to prepare the necessary By-law for (v) above.

(b) **Barton Village Business Improvement Area (B.I.A.) - Revised Board of Management, dated 1997 August 7:**

(i) That Schedule "B" of By-law No. 97-54, appointing the Barton Village B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service
J. Howard	Econ-o-wash Laundry

(ii) That the City Solicitor be directed to amend Schedule "B" of By-law No. 97-54 pursuant to (i) above.

(c) **Revised Board of Management 1997 - Main Street West Esplanade Business Improvement Area (B.I.A.), dated July 8:**

(i) That Schedule 'B' of By-law No. 97-014, appointing the Main West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

K. Mullholland	Taco Bell
I. Kobylanski	Izzy's Restaurant
M. Farrugia	Calla Decor and Design
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard & Speziale Design Associates Inc.
B. Hughs	Tim Horton's
M. Gunn	Mor Car Wash

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 97-014, and replace it pursuant to (i) above.

C. BUILDING COMMISSIONER

(a) **Downtown Convert/Renovate-to-Rent Loan Program 37-39 King William Street, dated 1997 August 5:**

That a loan under the Downtown Convert-Renovate-to-Rent Loan Program in the amount of twenty-four thousand dollars ($24,000) to Jacqueline Bradley for conversion of 37-39 King William Street into two residential units be approved, subject to the following:

(i) fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Rent Loan Program; and,

(ii) approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan.

(b) **Residential Rehabilitation Assistance Program Allocation for 1997, dated 1997 August 5:**

(i) That the funding allocation letter on the Residential Rehabilitation Assistance Program from Canada Mortgage and Housing Corporation for capital funding of $170,000 of which $164,000 is deemed to be forgivable, be received; and,

(ii) That the supplemental agreement be executed.

(c) **Barton Street Revitalization - Jazzing Up Barton Fest, dated 1997 August 11:**

(i) That the budget as outlined in Appendix "K" be approved for a Festival (Jazzing Up Barton Fest) to be held 1997 September 20; and,

(ii) That the City Treasurer be authorized and directed to forward $8,149($9,779 - 20% holdback) for the Festival (Jazzing Up Barton Fest) to the Barton Street B.I.A.. The outstanding balance of $1,630 to be forwarded upon submission of a statement of account.

(d) **Barton Street Revitalization - Barton Brush Over Project, dated 1997 August 11:**

(i) That the budget as outlined in Appendix "L" be approved for a Festival (Barton Brush Over Project) to be held 1997 July 28-31; and,

(ii) That the City Treasurer be authorized and directed to forward $180 ($215 - 20% holdback) for the Festival (Barton Brush Over Project) to the Barton Street B.I.A.. The outstanding balance of $35 to be forwarded upon submission of a statement of account.

(e) **Demolition of 1471 Upper Sherman Avenue, dated 1997 August 1:**

That the Building Commissioner be authorized to issue a demolition permit for 1471 Upper Sherman Avenue, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(f) **Demolition of 35 Rymal Road West, dated 1997 August 1:**

That the Building Commissioner be authorized to issue a demolition permit for 35 Rymal Road West, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(g) **Demolition of 488 King William Street, dated 1997 August 1:**

That the Building Commissioner be authorized to issue a demolition permit for 488 King William Street, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(h) **Committee of Adjustment Fee - Bethany Gospel Chapel, 155 Gage Avenue North, dated 1997 August 15:**

That the Committee of Adjustment application fee of $250 for the church at 155 Gage Avenue North be refunded to the owners, Bethany Gospel Chapel.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **Proposed Draft Plan of Condominium by 977340 Ontario Ltd. - Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive, Gilbert Neighbourhood, dated 1997 August 6:**

(i) That approval be granted to application CDM-CONV-96-002 submitted by 977340 Ontario Ltd., owner, for a draft plan of condominium for property located at Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive to provide for a condominium comprised of 25, two-storey townhouse condominium units, subject to the following conditions:

(1) That this approval applies to the attached draft plan dated August 1, 1997 prepared by Ashenhurst Nouwens Ltd., Professional Engineers and O.L.S.; and,

(2) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(3) That prior to approval of the final plan:

(a) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and,

(b) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(c) that the applicant/owner apply for and receive approval of an amendment to the site plan or an exemption to the satisfaction of the Director of the Planning and Development Department; and,

(d) the applicant/owner agrees to pay the Corporation of the City of Hamilton the cost of removing and replacing one 9 inch diameter Norway maple tree and one 11 inch diameter Red Oak tree presently located on municipal property, fronting on Bonaventure Drive. The cost for removal and replacement of both trees is $3,100; and,

(4) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-96-001); and,

(5) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(6) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,

(ii) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(iii) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

(b) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, dated 1997 July 22:

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-97-114, respecting property located at No. 665 Upper James Street (Wal Mart).

(c) **Draft Spencer Creek Watershed Management Plan - City of Hamilton Comments, dated 1997 August 8:**

That City Council request the City Clerk to advise the Hamilton Region Conservation Authority that it supports the draft Spencer Creek Watershed Management Plan.

The Committee directed that the Transport and Environment Committee be advised of this recommendation for information.

Ald. D'Amico was recorded as opposed to this recommendation.

(d) **Site Plan Control Application DA-97-12 for a Third Party/Billboard Sign at 840 Upper James Street, dated 1997 July 15:**

That approval be given to Site Plan Control Application DA-97-12 by Petro Canada, owner, of lands at 840 Upper James Street, as shown on the attached map marked as Appendix "M", for development of a third party/billboard, subject to the following:

(i) modifications to plans in relation to notes, and dimensions, as marked in blue on the plans; and,

(ii) submission of a Landscape Plan to the satisfaction of the Director, Planning and Development Department.

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Authorization for Committee Member to Attend Either Community Heritage Ontario Conference or Heritage Canada Conference, dated 1997 August 14:

(a) That the Chairperson of the Local Architectural Conservation Advisory Committee, or her designate, be authorized to attend either the Community Heritage Ontario Conference and Annual General Meeting in Victoria Harbour and Penetanguishene, Ontario, from 1997 September 26-28 or the Heritage Canada Conference in Ottawa, Ontario, from 1997 October 16-18; and,

(b) That the Conference costs in the estimated amount of $500 be financed through the Legislative Travel Account No. CH 55201 10010.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Commitee acknowledged receipt of the following items for information which were received under separate cover:

(a) Secretary, LACAC Re: Minutes of the Meeting Held 1997 June 9, dated 1997 July 14.

(b) Commissioner of Public Works and Traffic Re: Westdale Village Business Improvement Area - Planters, dated 1997 June 27.

(c) Director of Planning and Development Re: Quarterly Report as at July 30th, 1997, dated 1997 July 9.

(d) Building Commissioner Re: Demolition of 314-320 Ottawa Street North, dated 1997 August 6.

(e) Building Commissioner Re: Quarterly Report as at June 30th, 1997, dated 1997 August 14.

14. OTHER BUSINESS

(a) At the request of Ald. Caplan the Committee authorized Don Inglis of the Building Department to continue with the preparation of a report with regard to the Weed Control By-law.

(b) Ald. Caplan requested that a letter be sent to the Minister of Energy and Environment not to licence any new hazardous waste sites until such time as the City of Hamilton has had an opportunity to review this.

However, the Committee felt staff input was required before a decision could be made. The Committee therefore directed Planning and Law Office Staff to prepare a report in this regard.

15. ADJOURNMENT

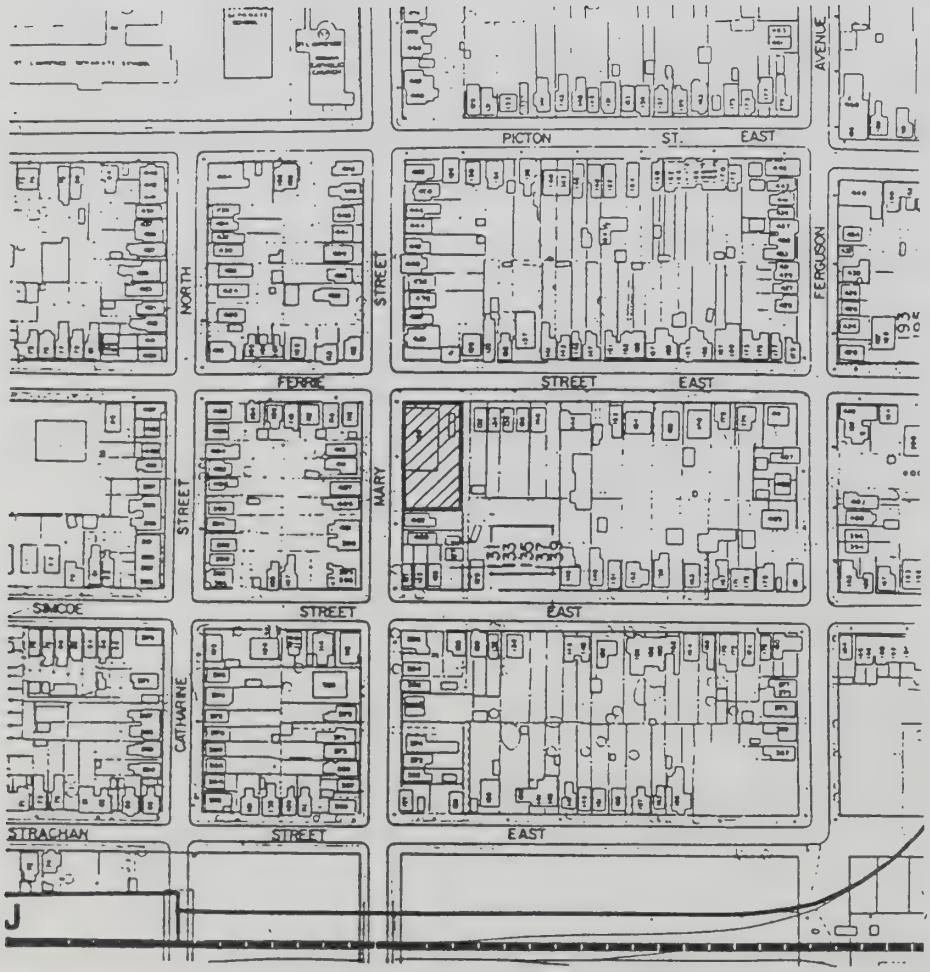
There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Stella Glover
Secretary

/jt

Appendix "A" as referred to in
Section 1 of the Planning
and Development Committee
Minutes dated 1997 August 20

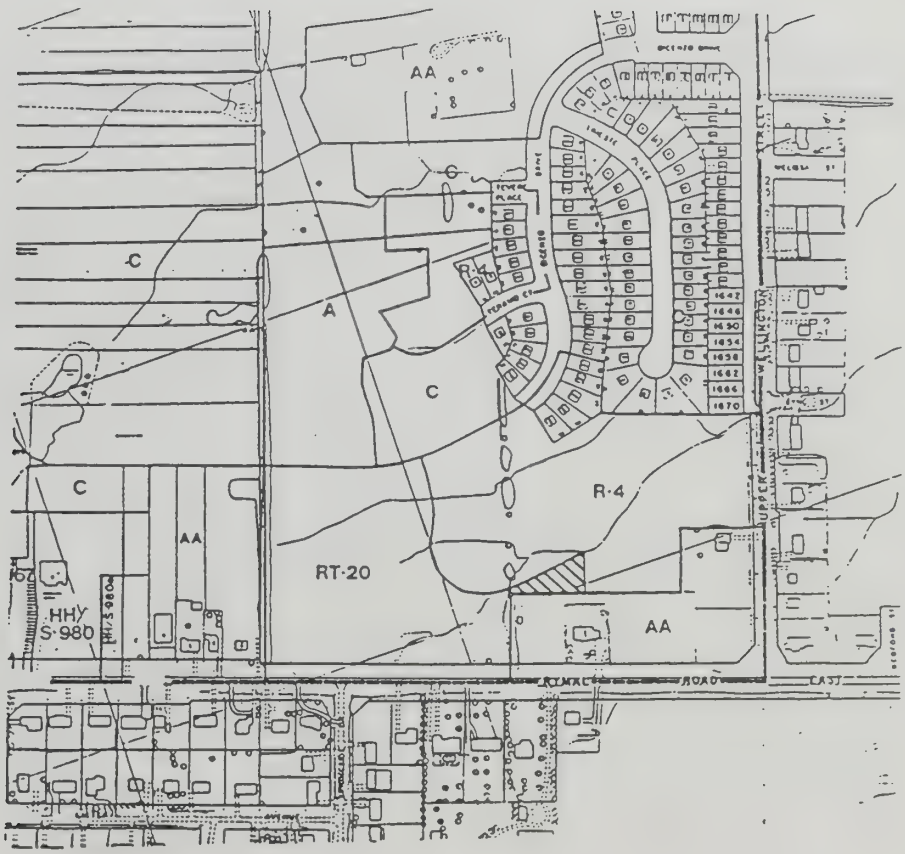


Legend

Site of the Application

Reference File No	
ZAC-97-19	
Drawn By	Date
W. B	May 1997
Scale	
NOT TO SCAL	
North	

Appendix "B" as referred to in
Section 2 of the Planning
and Development Committee
Minutes dated 1997 August 20

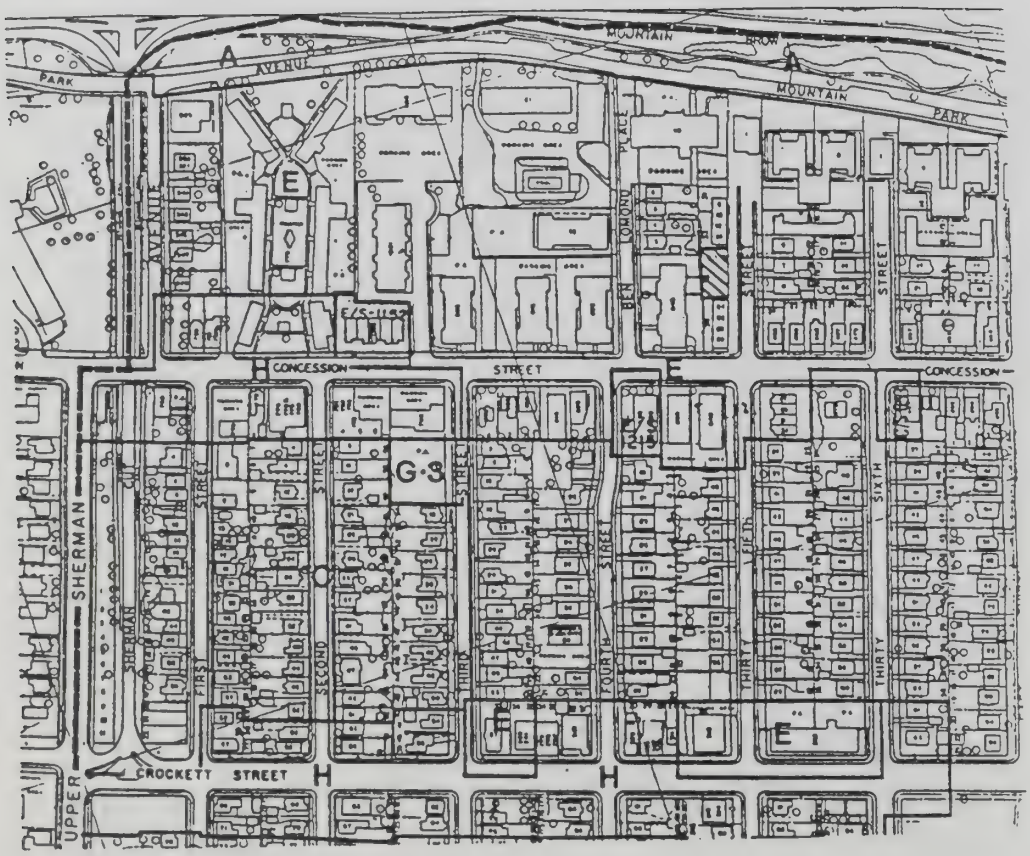


Legend

Site of the Application

ZAC-97

Appendix "C" as referred to in
Section 3 of the Planning
and Development Committee
Minutes dated 1997 August 20

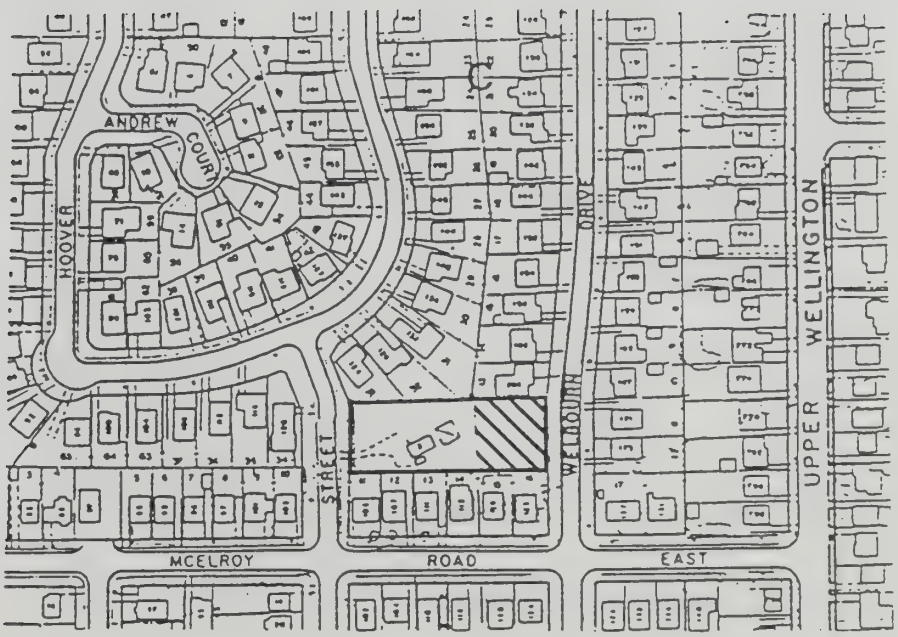


Legend

Site of the Application

ZAC-97-13

Appendix "D" as referred to in
Section 4 of the Planning
and Development Committee
Minutes dated 1997 August 20

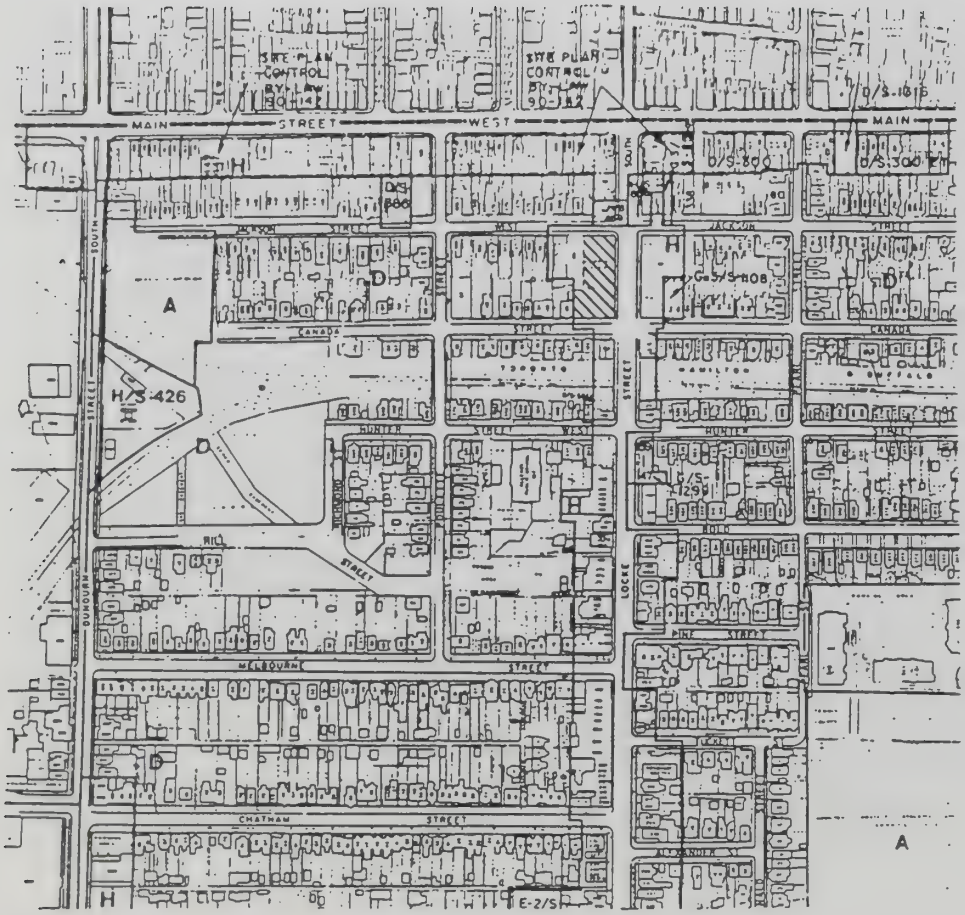


Legend

Site of the Application

ZAR-97-18

Appendix "E" as referred to in
Section 5 of the Planning
and Development Committee
Minutes dated 1997 August 20

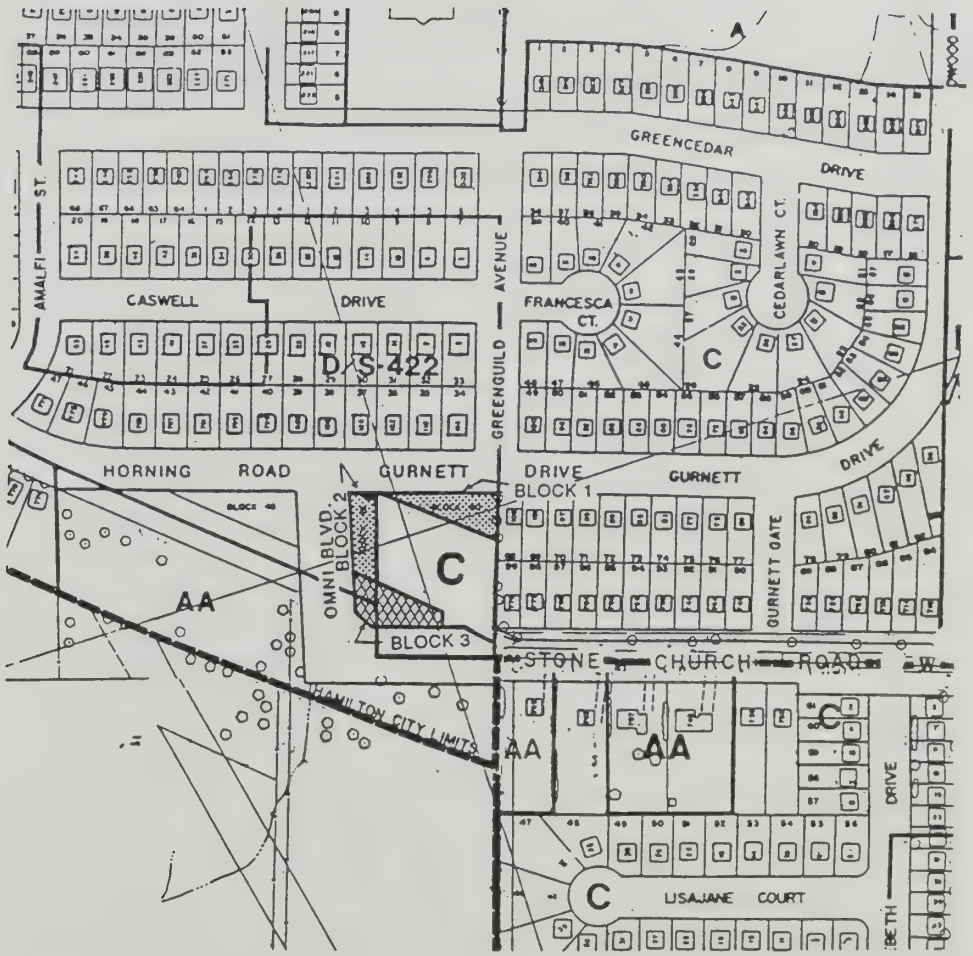


Legend

Site of the Application

ZAC-97-04

Appendix "F" as referred to in
Section 7(a) of the Planning
and Development Committee
Minutes dated 1997 August 20



Legend

Change in Zoning :

BLOCK 1 &2

From "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to "C" (Urban Protected Residential, etc.) District; and

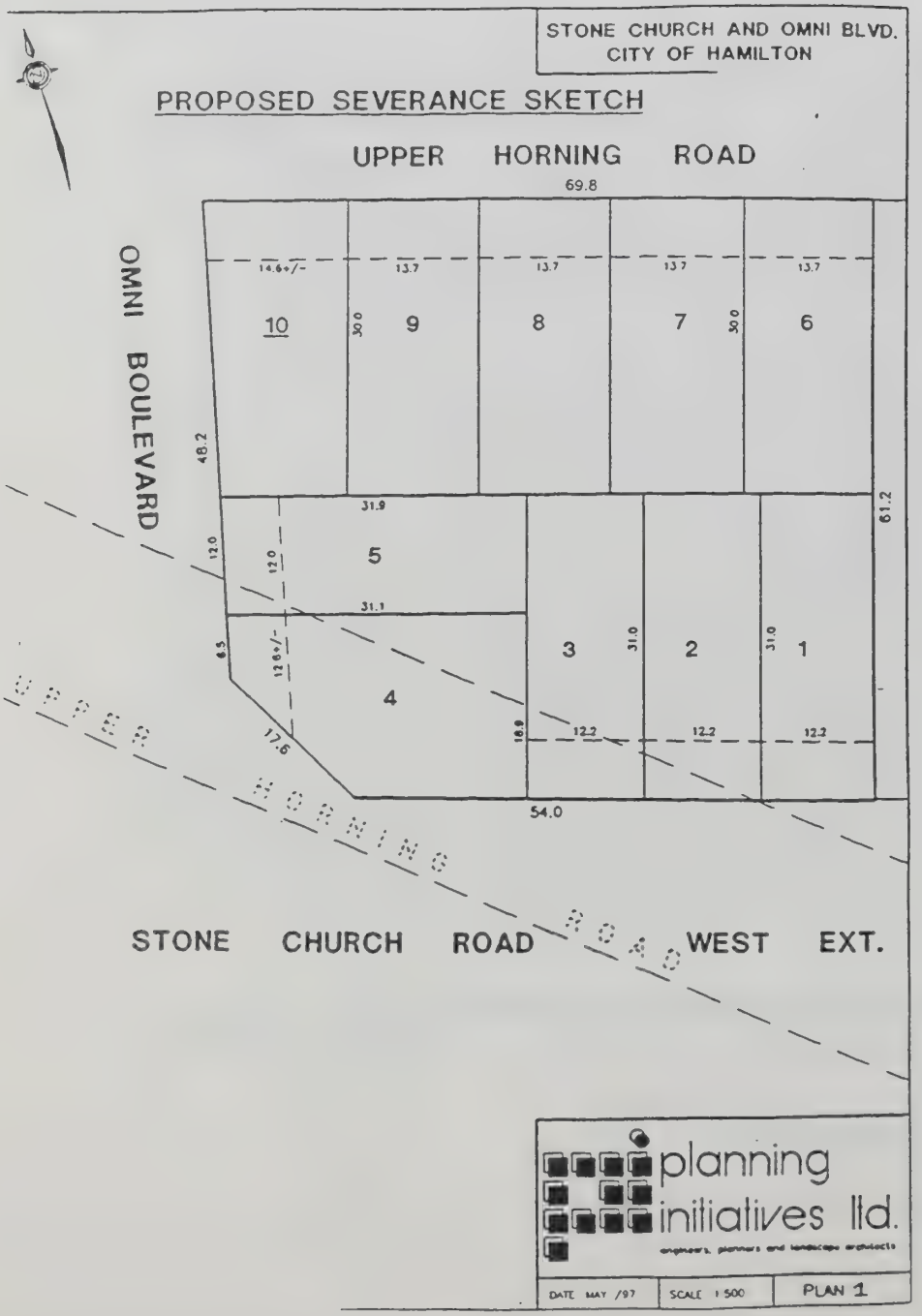
BLOCK 3

From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, and

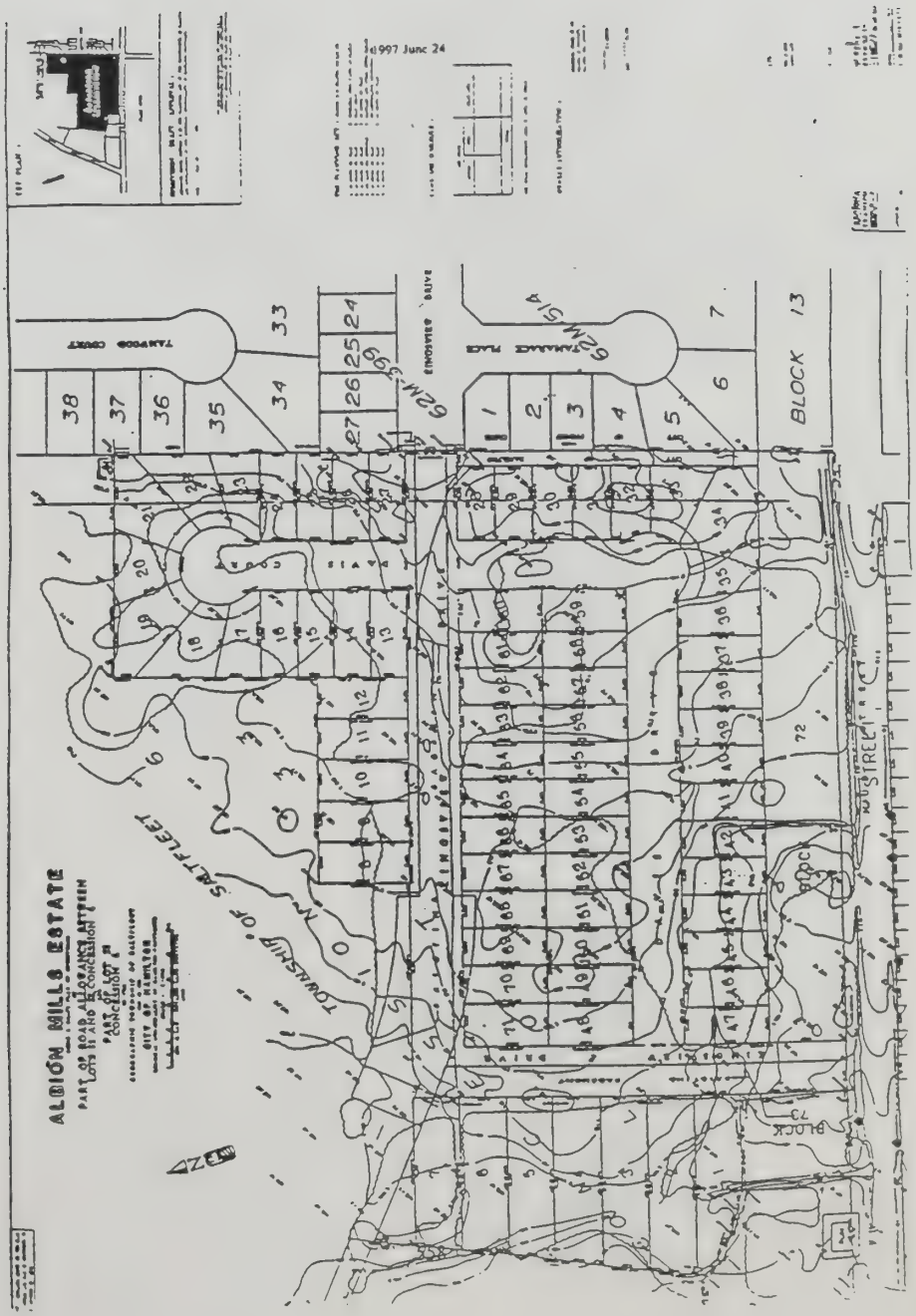
Reference File No. ZAC-97-21	
Drawn By W.B	Date June 1997
Scale NOT TO SCALE	

North

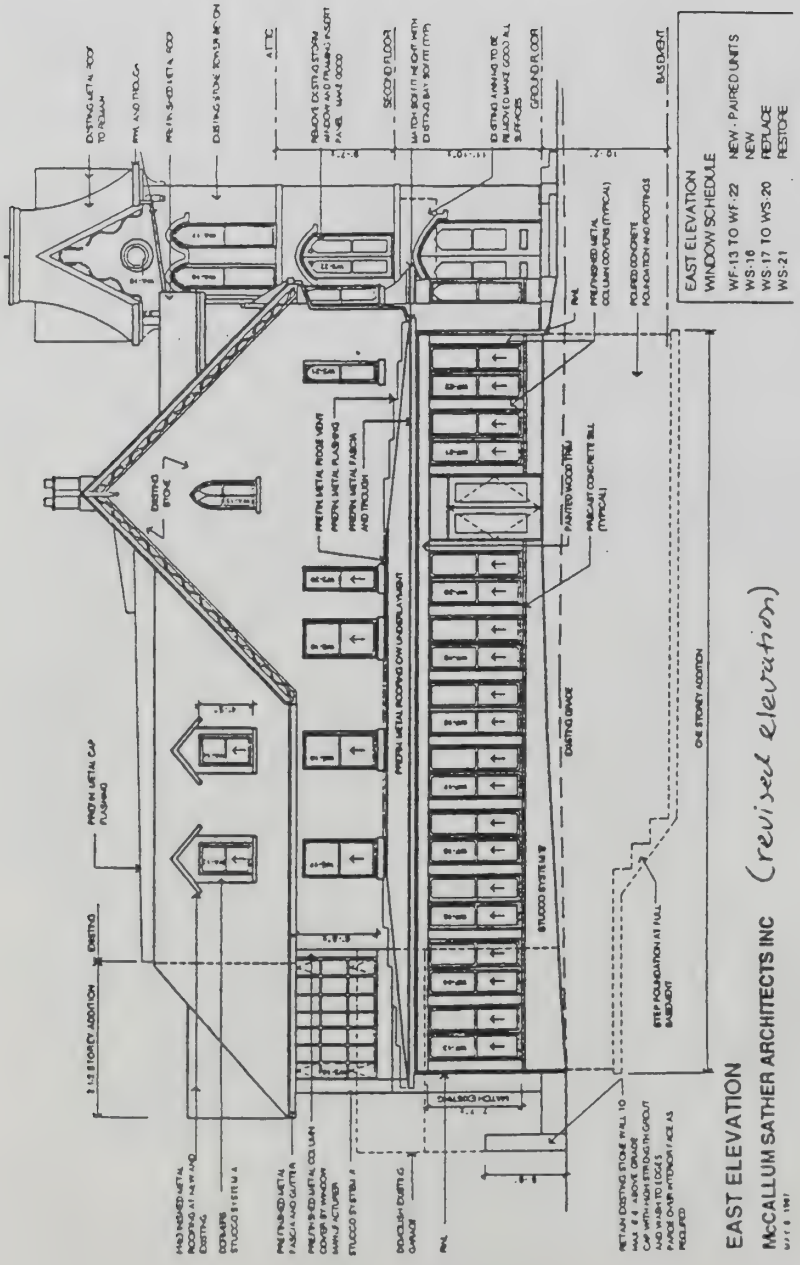
Appendix "G" as referred to in
Section 7(b) of the Planning
and Development Committee
Minutes dated 1997 August 20



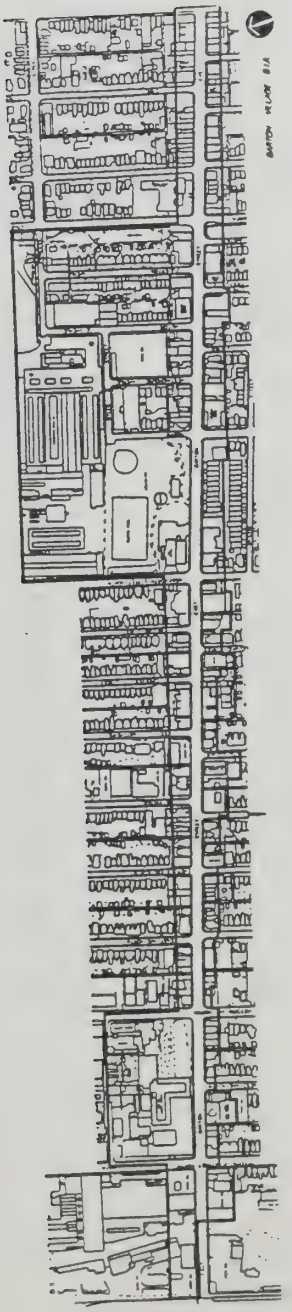
Appendix "H" as referred to in
Section 8 of the Planning
and Development Committee
Minutes dated 1997 August 20



Appendix "I" as referred to in
Section 12 of the Planning
and Development Committee
Minutes dated 1997 August 20



Appendix "J" as referred to in
Section B(a)(i) of the Planning
and Development Committee
Minutes dated 1997 August 20



Appendix "K" as referred to in
Section C(c)(i) of the Planning
and Development Committee
Minutes dated 1997 August 20

Jazzing Up Barton Fest

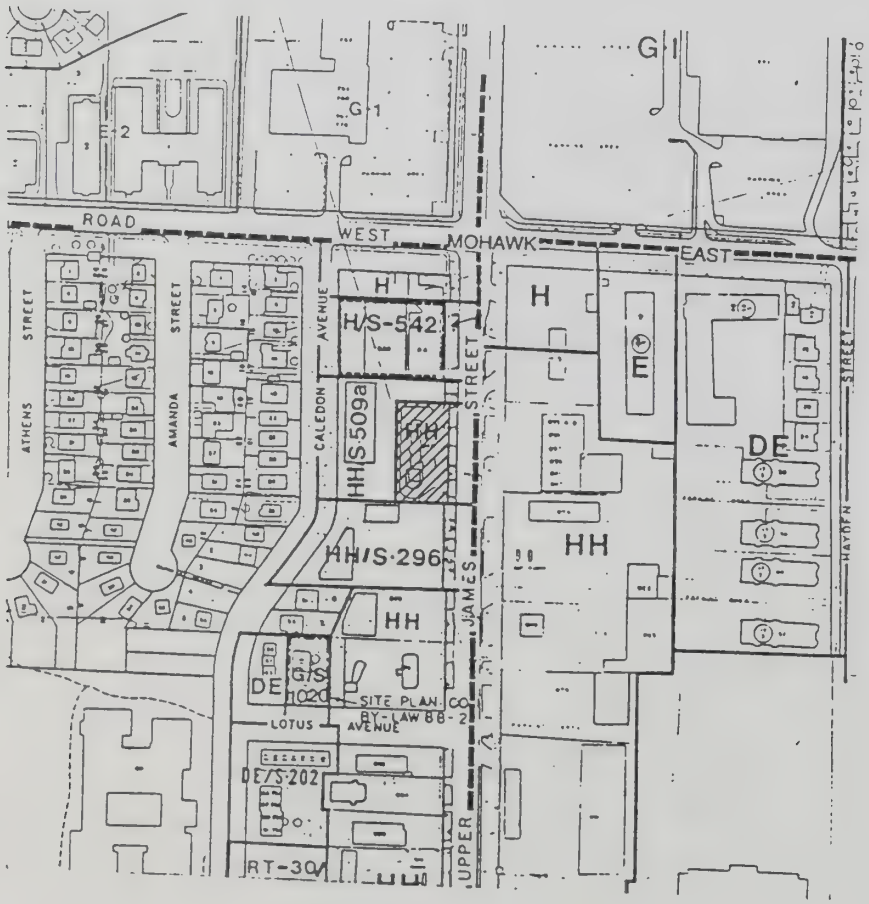
Calvin the Magician	$ 175.00
Absolutely Clowns	450.00
Pony Rides	400.00
Vasco Da Gamma Folk Dancers	100.00
Jude Johnson	350.00
Reggies Sound	600.00
T-Shirts Breakaway	700.00
Bounce with Us	120.00
Advertising Y-95	2,500.00
Advertising Admiral	150.00
Posters	600.00
Portable Toilets	300.00
Health Dept Permits	90.00
Classic Touch Children Stories	90.00
Parking Authority	100.00
Street Closure	399.00
Band #1 Dubay's	300.00
Band #2 Ronnie and the Rockets	350.00
Busker Larry McDonald	175.00
Police Officer	200.00
Contingency	$ 1,630.00
Total Festival Cost	$ 9,779.00

Appendix "L" as referred to in
Section C(d)(i) of the Planning
and Development Committee
Minutes dated 1997 August 20

Barton Brush Over Project

Supplies	$ 83.00
Lunch Food	$ 80.00
Paint the Town Celebration	$ 37.00
Thank you Certificates	$ 15.00
Total	$ 215.00

Appendix "M" as referred to in
Section D(d) of the Planning
and Development Committee
Minutes dated 1997 August 20



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control
Application DA-97-12

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No
	Not to Scale	DA-97-12
	Date	Drawn By
	APRIL 1997	PA

CITY OF HAMILTON

- RECOMMENDATION -

B (a)

DATE: 1997 September 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
139 STONE CHURCH ROAD EAST - Tag Number 11334
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 139 Stone Church Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & R-4

PRESENT USE: Single Family Dwelling

PROPOSED USE: Future Building Lots

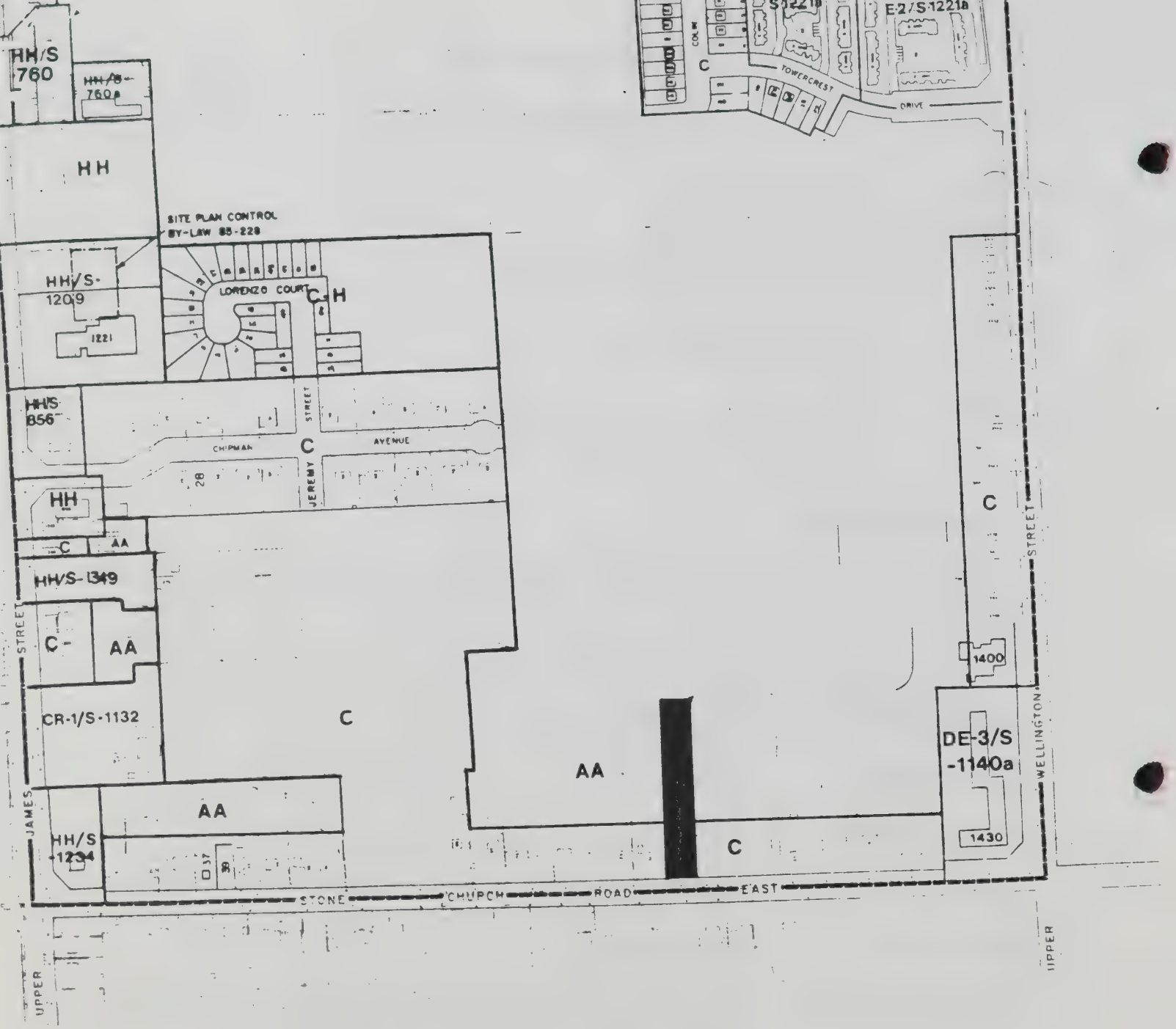
BRIEF DESCRIPTION: The owner wishes to demolish the one storey brick veneer single family dwelling. The dwelling is located in the "Jerome" Neighbourhood (please see attached neighbourhood map). The owner, as per demolition permit application, is proposing to develop a future subdivision. In 1997 the zoning was changed from a C and AA to a C and R-4 zoning district. Committee of Adjustment decisions B-97:24, 25, 26, 27 approved severances to be merged with existing lands abutting to the east of this property for a future subdivision (see attached). A recent plan of subdivision has been submitted to the Planning and Development Department, however it is not finalized as of today's date.

No LACAC interest. Lot size 88.44' x 495'.

The owner of the property as per the demolition permit is:

Scarlett Homes, 2171 Westoak Trail, Oakville, Ontario, L6M 3L3

FP/zr



SUBJECT PROPERTY
139 STONECHURCH RD. E.

137 56 16
86 82 33
101 119 8

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

Neighbourhood Boundary
Zoning Boundary

SCALE 50m

Prepared for The City of Hamilton

7509

B (6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Community Heritage Trust Fund
141 St Clair Avenue (97.2.4.2.1.A)

RECOMMENDATION:

That a loan under the Community Heritage Trust Fund Program in the amount of $9,782 to Ethel Gowling for improvements to 141 St. Clair Avenue be approved, subject to the fulfilment of the borrowing requirements of the Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Community Heritage Trust Fund was established by the City and the Province as a municipally administered low interest loan program to provide assistance to owners of properties designated under the Provincial Heritage Act. The property at 141 St Clair Avenue was designated under Part V of the Ontario Heritage Act as part of the St Clair Avenue Heritage Conservation District on 1986 April 8.

Ms Ethel Gowling, the owner of the property, has applied under the terms of the above program to reshingle the roof and repaint exterior woodwork at a cost of $9,782. As per the terms of the Program, the Heritage Planning staff have reviewed the estimates for the work to be undertaken and based on a list of eligible projects previously approved by the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), support the above recommendation.

.../2

In 1991, the owner received a Designated Property Grant in the amount of $1,165 for the repointing and repair of the chimney and the repair of the cut flagstone porch. No grants have been available since the termination of the Provincial Designated Property Grant Program in 1995.

The Building Department recommends that a Community Heritage Trust Fund Loan in the amount of $9,782 be approved. The monthly payment will be $89.97 amortized over a ten year period, with the interest rate of 2% per annum.

LCK/MK/jp

c.c. Ray Camani, Treasury Department

B(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
353 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a loan increase of seven thousand, two hundred and thirty-seven dollars ($7,237) to Octavio and Mirella Raposo for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $25,000. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of three thousand, six hundred and nineteen dollars ($3,619) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

.../2

BACKGROUND:

1. City Council at their meeting held 1997 July 8 approved a loan application under the subject program in the amount of $17,763. Subsequently, the applicant has met the criteria for additional work costing $7,237. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $25,000. Grant portion $12,500. Security: Promissory note and lien. The loan is to be amortized over 10 years at 2.38 per cent interest with a monthly payment of $234.12.

2. The Building Department, Housing and Loans Division, recommends the approval of an unsecured Commercial Loan to Octavio and Mirella Raposo, in the amount of $5,000, amortized over a period less than seven years at 2.38 per cent interest. Grant portion $2,500. Security: Promissory Note only. Monthly payment $75.

LCK/MM/jp

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

B(d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
333 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) That a secured loan in the amount of seventeen thousand, two hundred and twenty-nine dollars ($17,229) to Notarianni Investments Limited, for improvements to 333 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of eight thousand, six hundred and fourteen dollars ($8,614) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 333 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

.../2

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 333 Barton Street East:

a. $17,229 loan amortized over ten years at 2.38 per cent interest. Grant portion $8,614 Security: promissory note and lien. Monthly payments $161.35.

A lien for $17,229 will be registered on title. There are no registered encumbrances on title.

LCK/MM/jp

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

C (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 13
(PLC-96-01)
Allison Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for Validation Certificate for
"Allison Estates - Phase 1, Stage 2" Subdivision
Lots 3, 5, 7 and 12, Registered Plan 62M-795

RECOMMENDATION:

(a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner, for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2", as shown on APPENDIX "A"; and,

(b) That the City Solicitor be directed to prepare a By-law in accordance with Section 57 of the Planning Act to legalize the creation of maintenance easements for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2"

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A request has been received from John Parente for City Council with a Validation Certificate pursuant to Section 57 of the Planning Act. Under the provisions of the Subdivision Agreement for "Allison Estates - Phase 1, Stage 2" and the provisions of the "R-4" District, the subdivider is required to establish maintenance easements for those lots with a zero side yard.

An application for Part Lot Control was made by the developer (PLC-96-01) which was approved by City Council in October, 1996. The implementing by-law (By-law No. 96-174) was restricted to a 90 day effective period. A request was made, and approved by Council, for a further 90 day extension. However, property transactions involving the establishments of maintenance occurred outside of the effective period for the part lot control exempting by-laws.

Location

The lands are located south of Rymal Road and west of Upper Wellington Street in the Allison Neighbourhood.

COMMENTS:

1. The Planning Act provides for the issuance of a Validation Certificate whereby the property transactions are "legalized" provided that said transactions comply with the Official Plan and Zoning By-law.

2. The request conforms with the Official Plan and the applicable provisions of the City of Hamilton Zoning By-law No. 6593.

3. A request to remove part-lot control was previously approved by City Council in October, 1996 and a subsequent 3-month extension was granted in January, 1997. In addition, third application for part-lot control was made for the subject lands and in April, 1997, Council passed By-law No. 97-058.

4. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

Based on the foregoing, the request for a Validation Certificate can be supported.

SR/sr
PLC96-01.S57

SEDONA COURT

M-195

25T-910148

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THIS 17th DAY OF SEPTEMBER, 1996

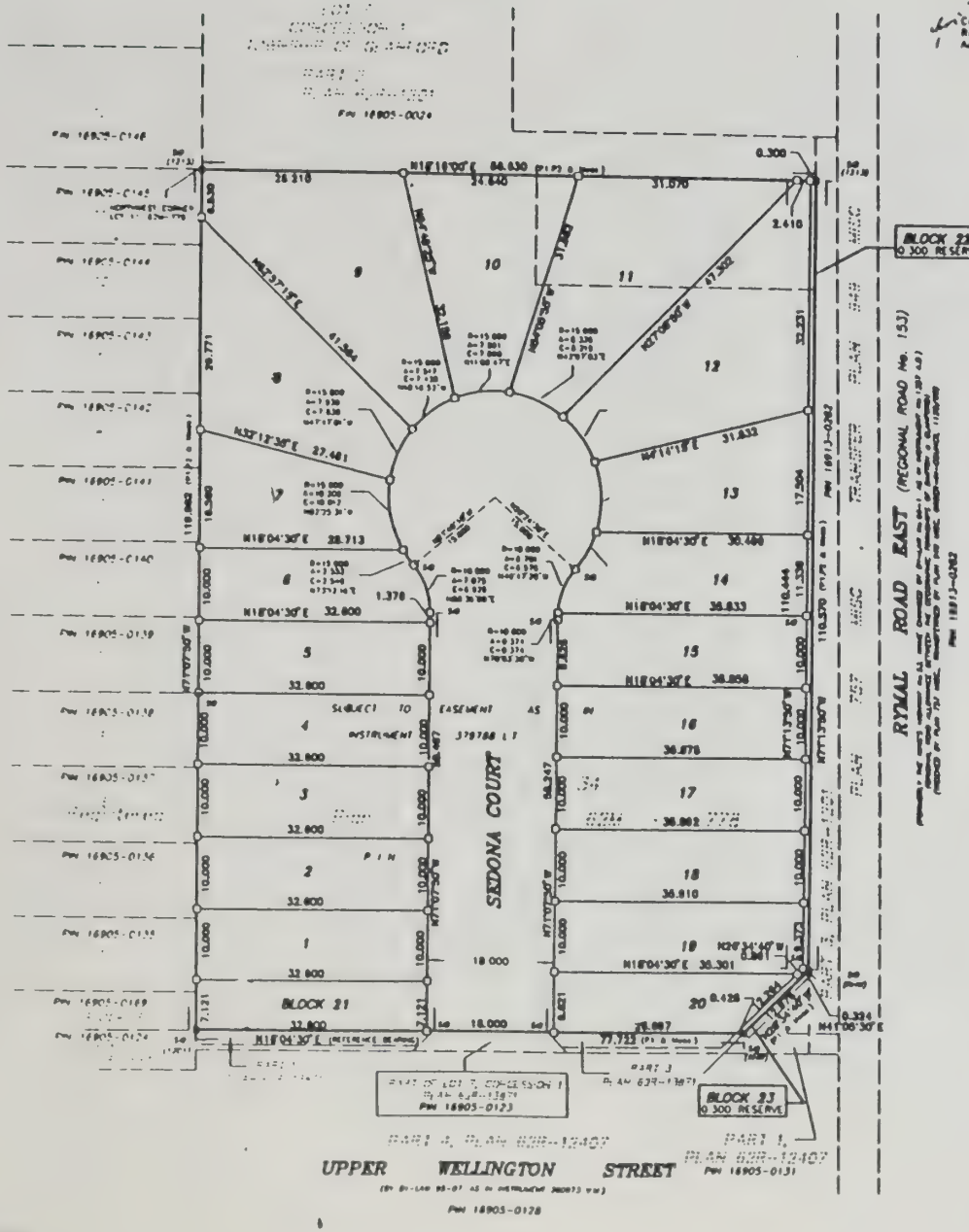
Commissioner of Planning and Development
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law No. R 89-171

PLAN 62M-795

I CERTIFY THAT THIS PLAN 62M-795 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 11:48 O'CLOCK ON THE 1ST DAY OF October 1996 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER No 16905-0167 16905-0168 AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT NO. LT421835

E. Jarmon Acs
LAND REGISTRAR

THIS PLAN COMPRISES PIN 16905-0168
PIN 16905-0167
SUBJECT TO EASEMENT AS SET OUT IN INSTRUMENT 379788 LT



Legend

●	DENOTES A SURVEY MONUMENT FOUND
○	DENOTES A SURVEY MONUMENT PLANTED
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
⊕	DENOTES IRON BAR
⊙	DENOTES ROUND
CC	DENOTES CUT CROSS
CP	DENOTES CONCRETE PIN
WIT	DENOTES WITNESS
(O.U.)	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN 62M-778
P2	DENOTES PLAN 62R-12487
(R.M.W.)	DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(1213)	DENOTES J.D. PETERS, O.L.S.

ALL BARS ARE 0.1's UNLESS OTHERWISE NOTED

Allison Estates

Phase 1, Stage 2

BEING A SUBDIVISION OF
LOT 33 AND BLOCK 34
REGISTERED PLAN 62M-778
IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500

0 5 10 15 20 30 40 metres

MACKAY, MACKAY & PETERS LIMITED
1996

Surveyor's Certificate

I CERTIFY THAT

1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER

2 THIS SURVEY WAS COMPLETED ON THE 18th DAY OF JULY 1996

SEPTEMBER 11, 1996
DATE

JAMES LAWS
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT

1 LOTS 1 TO 19, BOTH INCLUSIVE, THE STREETS NAMELY SEDONA COURT BLOCKS 20 & 21, AND 0.300 RESERVES NAMELY BLOCKS 22 & 23 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS

2 THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

DATED AT HAMILTON, ONTARIO

THIS 11th DAY OF SEPTEMBER 1996

200 RYMAL ROAD INC

JOHN A. PARENTE
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

MACKAY MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS ESTABLISHED 1904
SUITE 700, UNION GAS BUILDING

APPENDIX "A"

Bearing References

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF PLAN 62R-13871 HAVING A BEARING

C (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 16
(PLC-95-2)
Broughton West Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Sandrina Gardens - Phase 2" Subdivision

RECOMMENDATION:

a) That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71, Registered Plan 62M-780 "Sandrina Gardens - Phase 2", as shown on APPENDIX "A";

b) That the exempting by-law be restricted to a 1 year effective time period to expire on October 1, 1998;

c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be presentation to City Council; and,

d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Anthony DiCenzo, solicitor for DiCenzo Construction, owner, is proposing to establish maintenance easements in accordance with the approved plan of subdivision "Sandrina Gardens - Phase 2". The maintenance agreements will be on Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72.

Location

The lands are located west of Upper Gage Avenue and south of Rymal Road East in the Broughton West Neighbourhood, City of Hamilton.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.2), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

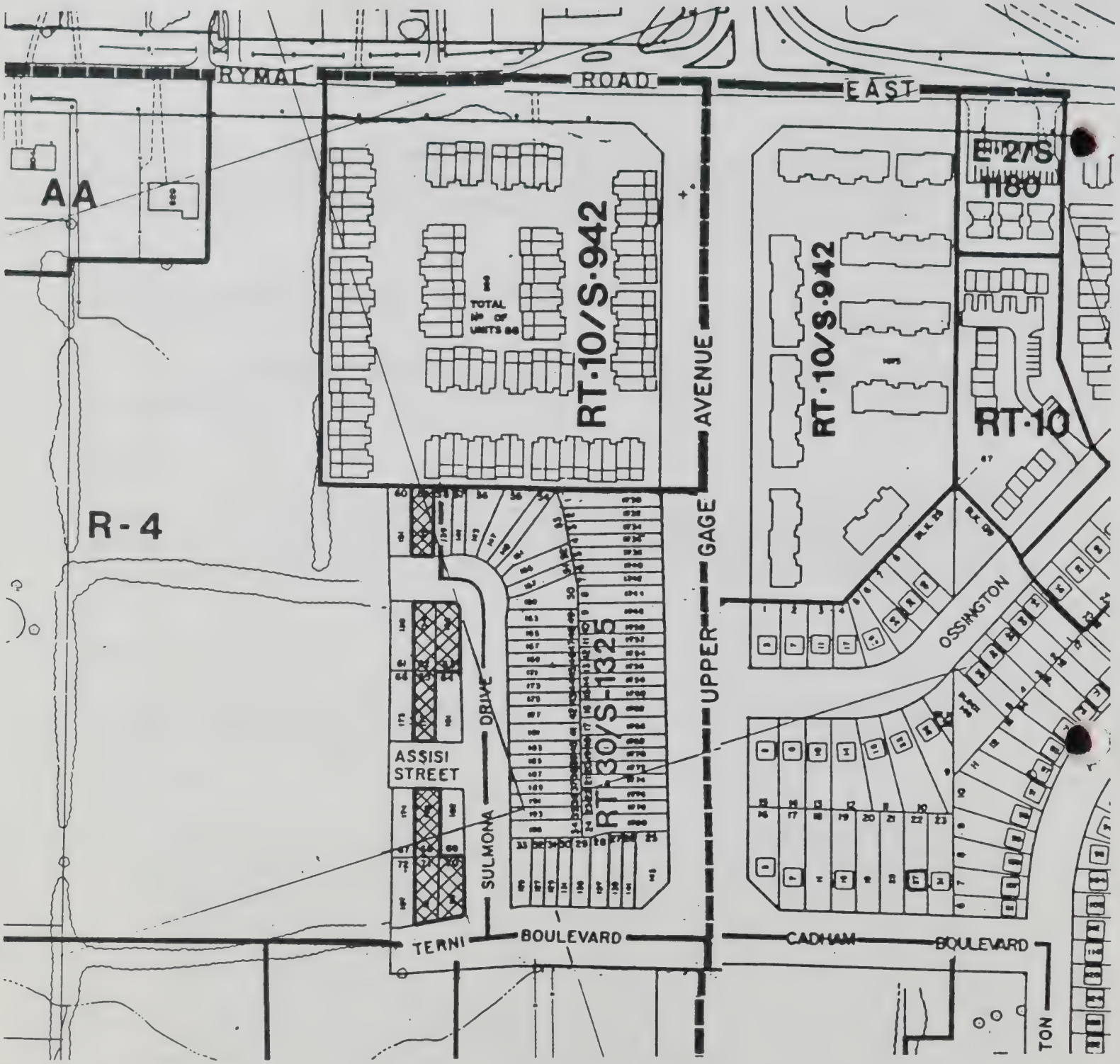
2. The applicant also proposed to establish maintenance easements on the lands adjacent to Lots 60, 61, 66, 67 and 72. The applicant owns the adjacent lands. However, as the adjacent lands are not part of a registered plan of subdivision, the part-lot control provisions of the Planning Act cannot be used. Until maintenance easements are created, development will not be permitted on Lots 60, 61, 66, 67 and 72. The easements can be established by either making an application to the Committee of Adjustment in accordance with Section 53 of the Planning Act or wait until such time as the abutting lands are incorporated into a registered plan of subdivision.

3. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC95-02.EXT



Legend

Lands subject to part lot control application

Reference File No.	
PLC-95-02	
Drawn By	Date
B.B.	Sept. 1997
Scale	
Not to Sca	
North	

APPENDIX "A"

(C) (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 13
(PLC-97-02)
Red Hill Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for Lot 9, "Kemp Estates" Subdivision
34 Rouge Hill Court

RECOMMENDATION:

a) That approval be given to Part Lot Control Application 97-02, **James Kemp Construction Limited, owner**, to remove part-lot control for Lot 9, located in "Kemp Estates" Subdivision, to permit the conveyance of 2 blocks to the abutting lots, as shown on the attached map marked as APPENDIX "A";

b) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lot 9, Registered Plan 62M-812, "Kemp Estates" plan of subdivision, for presentation to City Council;

c) That the exempting by-law be restricted to a 1 year effective time period to expire on October 1, 1998;

d) That the exempting by-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(i) The Owner registering the following Restriction on Title for Lots 8, 9 and 10 to the satisfaction of the Director of Planning and Development and the City Solicitor:

"No buildings or structures shall be allowed to be located within 7.62 metres of the "Top of Bank" as defined by the Hamilton Region Conservation Authority as shown on Plan 62M-812. The area below the "Top of Bank Line" shall be left in its natural state. The planting of non-native species shall not be permitted. The use of fertilizer or pesticides, the placement of any material, equipment or structure within this area shall not be permitted."

(ii) The Owner revise the approved grading plan to match the proposed lot line configuration to the satisfaction of the Commissioner, Regional Environment Department.

e) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

"Kemp Estates" Subdivision Application

In 1993, an application for draft approval of a plan of subdivision for the subject lands was approved by City Council. However, the plan of subdivision, as approved by City Council, was referred to the Ontario Municipal Board by the Niagara Escarpment Commission (NEC).

Planning and Development Department staff were able to negotiate a compromise which resolved the NEC's concerns regarding mitigating the effects of development on the lands located beyond the top of bank. The NEC withdrew their objection based on the reconfiguration of Lot 9 into a "T-shaped" lot such that all of the lands below the top of bank would be in one ownership.

Proposal

The applicant, James Kemp Construction Limited (Ron Kemp, President) is proposing to subdivide Lot 9, Registered Plan 62M-812 to convey two blocks of land to the abutting lots to reconfigure the side lot lines. Lot 9 is a "T-shaped" lot. The proposed conveyance will allow for the creation of 3 rectangular shaped lots.

Location

The lands are located west of Mount Albion Road, south of Congress Crescent at the southerly limits of Rouge Hill Court in the Red Hill Neighbourhood.

CIRCULATION COMMENTS:

- The Traffic Division, Department of Public Works and Traffic had no objection to the application to remove part lot control.

- The Building Department advised:

  "Any person acquiring the lands (Part 1, 2, 3) shall be advised of the condition that no building or structure, except a fence, shall be setback less than 7.6m from the top of bank as established on a survey according to the Hamilton Region Conservation Authority along the westerly boundary between the "C" District and the "AA" District.

- The Regional Environment Division advised:

  "... as a condition of Part Lot Control approval, it is recommended that the subdivider revise the approved grading plan to match the proposed lot line configuration, to the satisfaction of the Commissioner, Regional Environment Department."

- The Regional Environment Division, Development Division advised:

  "While we are not opposed to this application, the proposal generally reflects the original subdivision submission which was not supported by the Niagara Escarpment Commission (NEC).

  Therefore, comments from the NEC are critical to your evaluation of this application."

- The Niagara Escarpment Commission advised:

  "The Niagara Escarpment Commission has **no objection**, in principle, to the application.

  Conditions No. 18, 20 and 25 of the March 3, 1994 decision of the Commissioner of Planning and Development to approve the above-referenced Plan of Subdivision serve to establish a 7.6 m (25 ft.) buffer strip along the top-of-bank within which no buildings, structures or site disturbances are to occur.

  A similarly worded condition in the approval of this application would be appropriate.

  Condition No. 16, as recommended by the Hamilton Region Conservation Authority, stated that the area below the top-of-bank must be left in its natural state. Planting of non-native species was recommended and, the use of fertilizers and pesticides and the placement of any structure would not be permitted.

  Again a similarly worded condition in the approval of this application is appropriate.

  Certain trees within the 7.6 m setback as well as in the area below the top-of-bank were identified on a grading plan prepared by Ashenhurst Nouwens Ltd. dated July 4, 1995 and revised to February 197. Tree retention pursuant to that plan is recommended."

- The Hamilton Region Conservation Authority has advised:

"Through zoning application ZA-91-60, Authority staff provided comments regarding the identification of the top of bank on the property and the establishment of a 7.62 metre setback from the top of bank. By-law 93-122 incorporates our concerns and states "notwithstanding Sections 9(3)(ii) and 9(3)(iii) of By-law No. 6593, every building and structure, except a fence, shall be setback not less than 7.6 metre from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority as shown on Schedule "A", extending along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District." As noted, the lands below the surveyed "top of bank" maintain the Agricultural zone.

Through subdivision file 25T-92010, Authority staff detailed five conditions of draft plan approval. Condition 16 requires an instrument to be registered on title stating that the area below the top of bank must be left in a natural state. In this regard, Authority staff have reviewed a draft of the Application to register Restrictions on title of the above noted Plan of Subdivision. Schedule "A" section (p) of this document states that:

> "no buildings or structures shall be allowed to be located within 7.62 metres of the "Top of Bank" as defined by the Hamilton Region Conservation Authority as shown on Plan 62M-812. The "Top of Bank Line" forms the rear property line for Lots 8 and 10 and is located inside the rear lot line of Lots 7 and 9. The area left below the "Top of Bank Line" shall be left in its natural state and planting of non-native species, the use of fertilizer or pesticides, the placement of any material, equipment or structure within this area is prohibited."

Based on the above, staff of the Hamilton Region Conservation Authority are satisfied that Authority concerns regarding this proposal have been addressed. However, the conditions of approval for this Part Lot Control Application should include the above noted requirements."

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The Regional Environment Department has advised that as a condition of approval the Owner should be required to revise the approved grading plan to match the proposed lot line configuration a Lot Grading Plan.

3. The proposal to reconfigure the side lot lines for Lots 8, 9 and 10 to eliminate the "T-shaped" lot. The applicant's agent has advised that reconfigured lots would eliminate potential problems due to the irregular lot line configuration and therefore have made this application for removal of part lot control.

4. Both the Niagara Escarpment Commission and the Hamilton Region Conservation Authority have no objection to the approval of the application provided that the necessary restrictions are put in place to protect the lands below the top of bank. Therefore, approval of the application should be conditional upon the applicant registering a restriction on title to prohibit any buildings or structures within 7.62 metres of the "Top of Bank" as defined by the Hamilton Region Conservation Authority. In addition, the restriction should require that the area below the "Top of Bank Line" be left in its natural state and planting of non-native species, the use of fertilizer or pesticides, and prohibit the placement of any material, equipment or structure within this area.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC97-02.rpt

NH JUL. 0 6 1997

M-812

ROUGE HILL COURT

25T-92010

PLAN OF

KEMP ESTATES

BEING A SUBDIVISION OF

PART OF LOT 32, CONCESSION 4

IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET

NOW IN THE

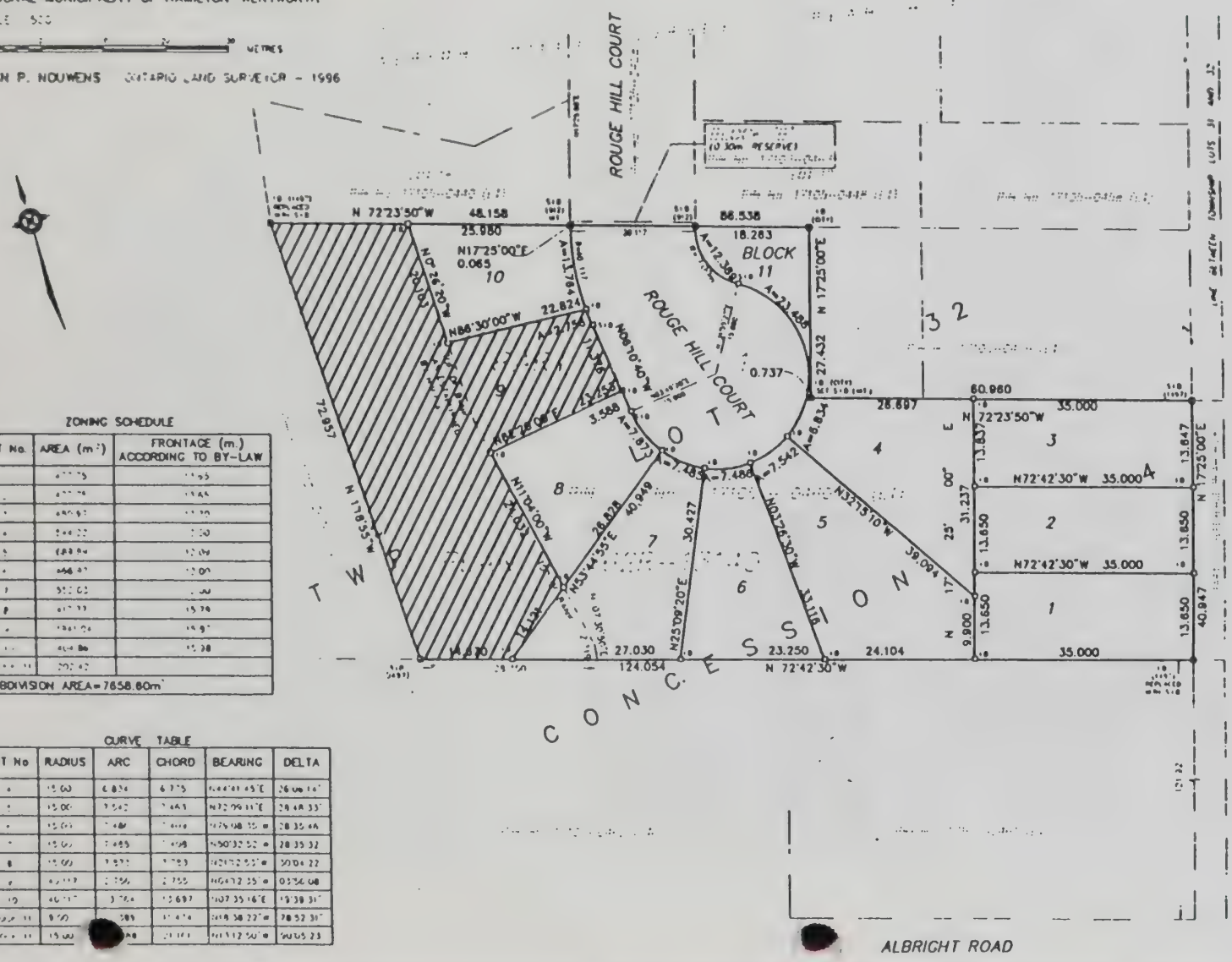
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500

METRES

JOHN P. NOUWENS ONTARIO LAND SURVEYOR - 1996



ZONING SCHEDULE

LOT No.	AREA (m²)	FRONTAGE (m.) ACCORDING TO BY-LAW
SUBDIVISION AREA = 7658.80m²		

CURVE TABLE

LOT No	RADIUS	ARC	CHORD	BEARING	DELTA

PLAN 62M-812

CERTIFICATE OF REGISTRATION

I CERTIFY THAT THIS PLAN 62M-812 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF [illegible] AT [illegible] O'CLOCK IN THE [illegible] NOON OF [illegible] IN THE REGISTER FOR PIN 17105-0460(LT) AND THE REQUIRED CONSENTS AND APPROVALS ARE ENTERED ON DOCUMENT NO. [illegible]

[illegible]
REGISTRAR

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS [illegible] DAY OF [illegible] 19[illegible]

[illegible]
COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AS DELEGATED BY BY-LAW [illegible]

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ALL OF PIN No 17105-0460 (LT)

LEGEND

- SIB — DENOTES A 19 mm SQUARE STANDARD IRON BAR
- SSIB — DENOTES A 19 mm SQUARE SHORT STANDARD IRON BAR
- CC — DENOTES CUT CROSS
- WIT — DENOTES WITNESS
- UC — DENOTES UNDERGROUND CABLE
- ● - FOUND — ⊡ - PLANTED

THE BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF MOUNT ALBION ROAD HAVING A BEARING OF N17°25'00"E AS SHOWN ON PLAN 1951

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 10 BOTH INCLUSIVE, THE STREET NAMED ROUGE HILL COURT AND BLOCK 11 HAVE BEEN LAID OUT WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR INSTRUCTIONS
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

JAMES KEMP CONSTRUCTION LIMITED

June 20/96
DATE

[illegible]
PRESIDENT

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 20th DAY OF March 1996

May 6/96
DATE

[illegible]
ONTARIO LAND SURVEYOR

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201-315 YORK BLVD.
HAMILTON, ONTARIO L8R 3K5
(905) 529-6318
(905) 529-4314
FAX(905) 529-8651

BRANCH OFFICE
ORCHARDMEW VILLAGE SQUARE PLAZA
155 MAIN STREET EAST, SUITE 203
GRIMSBY, ONTARIO L3M 1P2
(905) 945-4599

DRAWN BY: M.S.	CHECKED BY:	SURVEYED BY: J.P.N.

DATE: APR. 28, 1996

95010

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Kemp Estates" Subdivision, Plan 62M-812
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of conveying two blocks of land shown as Blocks 1 and 3 on Schedule "A" to Lots 10 and 8, Registered Plan 62M-812, respectively, shall not apply to the following lands:

   Lot 9 within Registered Plan Number 62M-622, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth;

   the extent and boundaries of each of which Blocks 1 and 3 are shown on a plan hereto annexed as Schedule "A".

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on October 1, 1998.

PASSED this day of A.D. 1997.

City Clerk Mayor

(d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 06
S703-94, M.P. Sabelli, C.E.T.

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: "CLAUDETTE GARDENS - PHASE 9", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 28,400.00 as cash payment in lieu of 5% land dedication in connection with "Claudette Gardens - Phase 9", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

Cont'd...

Cont'd..

BACKGROUND:

The Owner of "Claudette Gardens - Phase 9", 800064 ONTARIO INC. will be executing a Subdivision Agreement with the City of Hamilton in the near future. In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be $ 28,400.00.

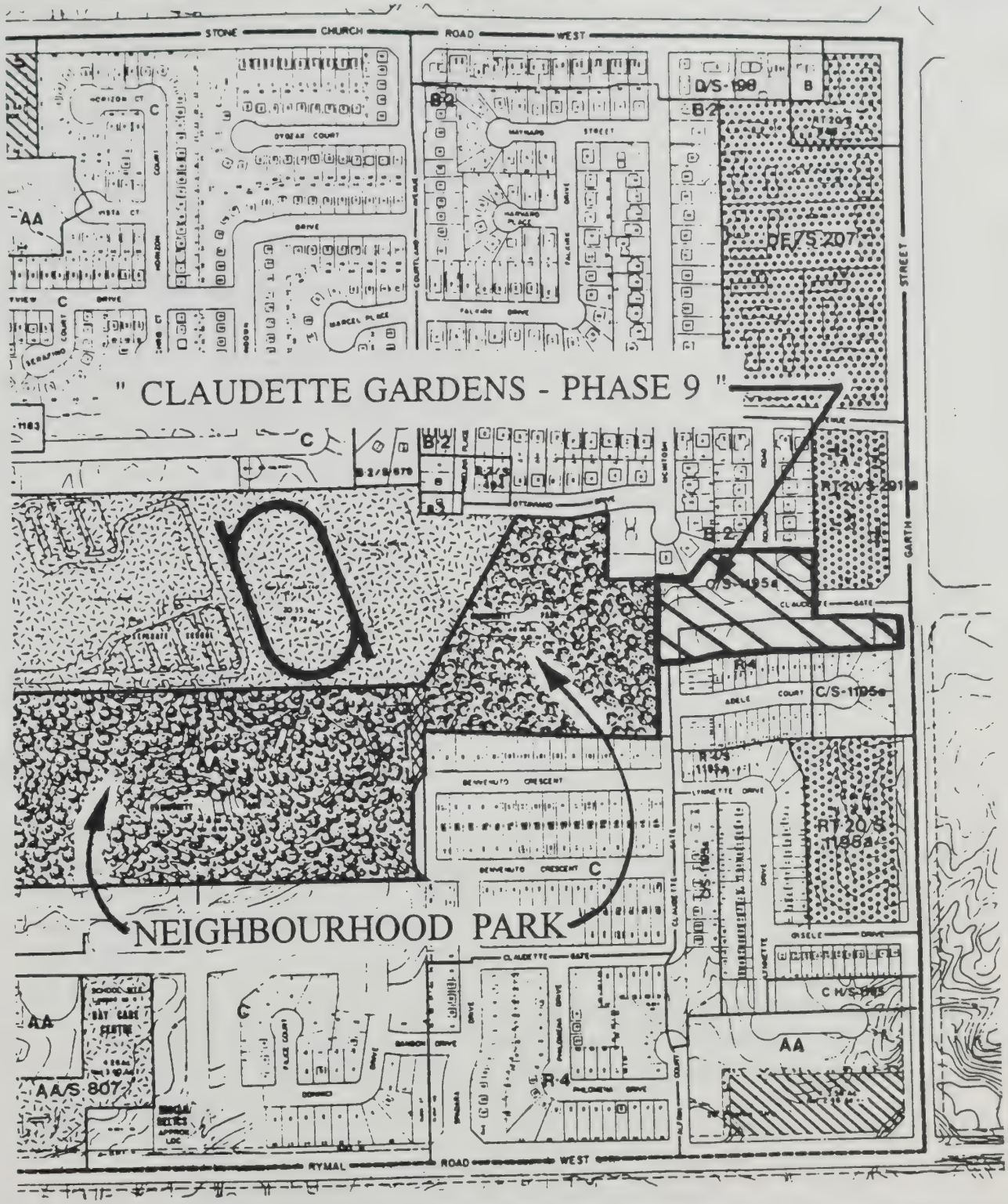
The City of Hamilton has acquired sufficient lands in the past for the neighbourhood park in the Falkirk East Neighbourhood. The developer is not required to provide any parkland within his plan of subdivision. Therefore, the City of Hamilton accepts a cash payment in lieu of lands for the acquisition of lands for park purposes and development of neighbourhood parks.

The lands of "Claudette Gardens - Phase 9" subdivision are located west of Garth Street and south of Stone Church Road West, in the Falkirk East Neighbourhood.

MPS

cc: City Treasury Department
Att: D. Cobb

cc: City Property Department
Att: R. Buckle



LEGEND

Subject Lands

KEY PLAN
"CLAUDETTE GARDENS - Phase 9"

NORTH

NEIGHBOURHOOD
FALKIRK EAST APPROVED PLAN

DATE
Sept. 9,1997

FILE No.

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

(e)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 11
(OP-SC)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Removal of the Deferral - Official Plan Amendment No. 66
(City of Stoney Creek)- Cardinal Newman High School Site

RECOMMENDATIONS:

(a) That the City of Hamilton request the Regional Municipality of Hamilton-Wentworth to remove the deferral of the MEDIUM DENSITY designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) provided the following modifications are included in OPA No. 66:

i) that Policy 13.5.15 be amended by adding the following words "**for residential purposes which may include single-detached dwellings, semi-detached dwellings, townhouses and**" between the words 'developed' and 'multiple' so the first paragraph of the policy reads as follows:

> "Those lands designated Medium Density Residential by this Plan and located at No. 71 Centennial Parkway (Cardinal Newman Site), are intended to be comprehensively developed **for residential purposes which may include single-detached dwelling, semi-detached dwellings, townhouses and** multiple dwelling structures in consultation with the City of Hamilton. In the interim, the uses of these lands shall continue for institutional purposes."

ii) That Policy 13.5.15 be amended by adding a second paragraph as follows:

> "Any redevelopment of the Stoney Creek portion of this site will not provide direct vehicular access to Cromwell Crescent in the City of Hamilton. In addition, the height of new buildings adjacent to existing single detached dwellings and future single-family dwelling fronting on Cromwell Crescent will be compatible; however, somewhat higher buildings may be permitted on other portions of the site."

(b) The City Clerk be requested to inform the City of Stoney Creek of the City of Hamilton's request to lift the deferral for the above noted policy and Secondary Plan designation provided the modifications to Policy 13.5.15 are incorporated in accordance with Section (a) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Stoney Creek adopted Official Plan Amendment No. 66 for the Olde Town area of the City (see APPENDIX "A"). The City of Hamilton provided comments on the planning documents for three sites (two sites on King Street and Cardinal Newman High School). The designations and the zoning were satisfactory for the King Street sites; however, staff felt the proposed MEDIUM DENSITY designation in the Secondary Plan for the Cardinal Newman site was considered premature until such time as a comprehensive plan has been developed for the site.

When OPA 66 was circulated to the City for comment, Council requested the designation and the related policy for this site be deferred until such time as the City's concerns, respecting density, access etc. had been resolved. The Region agreed to the referral request.

In late January 1997, staff of the Planning and Development Department of both the City of Hamilton and Stoney Creek, staff of the Hamilton-Wentworth Roman Catholic School Board, the Ward 5 Alderman and two Aldermen from Stoney Creek, held a public information for Hamilton and Stoney Creek residents to discuss the planning issues for this site.

The discussions at the meeting included:

- restricting access to Centennial Parkway South only;

- the type of development proposed in the City of Hamilton portion of the Cardinal Newman site;
- the compatibility between the exsitng single-family dwellings on Cromwell Crescent and the Medium Density site;
- status of the school site; and,
- the future planning process for the site.

Future development in Hamilton will be for single-family dwellings only and no access to the Cardinal Newman site will be provided from Cromwell Crescent.

In addition, it is recognized the Medium density designation provides the opportunity for different housing types ranging from single-family dwellings to 3 storey apartments.

SUMMARY:

Based on the concerns raised at the public meeting, the City of Stoney Creek staff in conjunction with City staff, have proposed that Policy 13.5.15 be amended:

1) to restrict access to the site from Centennial Parkway **only**;

2) to ensure that future residential development adjacent to the existing single-family dwellings is compatible with the recognition that the higher density uses (i.e townhouses could be located elsewhere on the site); and,

3) to explicitly state in the Policy that a range of dwelling types will be considered in the redevelopment of the lands.

Policy 13.5.15 , as amended would read as follows:

> "Those lands designated Medium Density Residential by this Plan and located at No. 71 Centennial Parkway (Cardinal Newman Site), are intended to be comprehensively developed **for residential purposes which may include single-detached dwelling, semi-detached dwellings, townhouses and** multiple dwelling structures in consultation with the City of Hamilton. In the interim, the uses of these lands shall continue for institutional purposes."
>
> "Any redevelopment of the Stoney Creek portion of this site will not provide direct vehicular access to Cromwell Crescent in the City of Hamilton. In addition, the height of new buildings adjacent to existing single detached dwellings and future single-family dwelling fronting on Cromwell Crescent will be compatible; however, somewhat higher buildings may be permitted on other portions of the site."

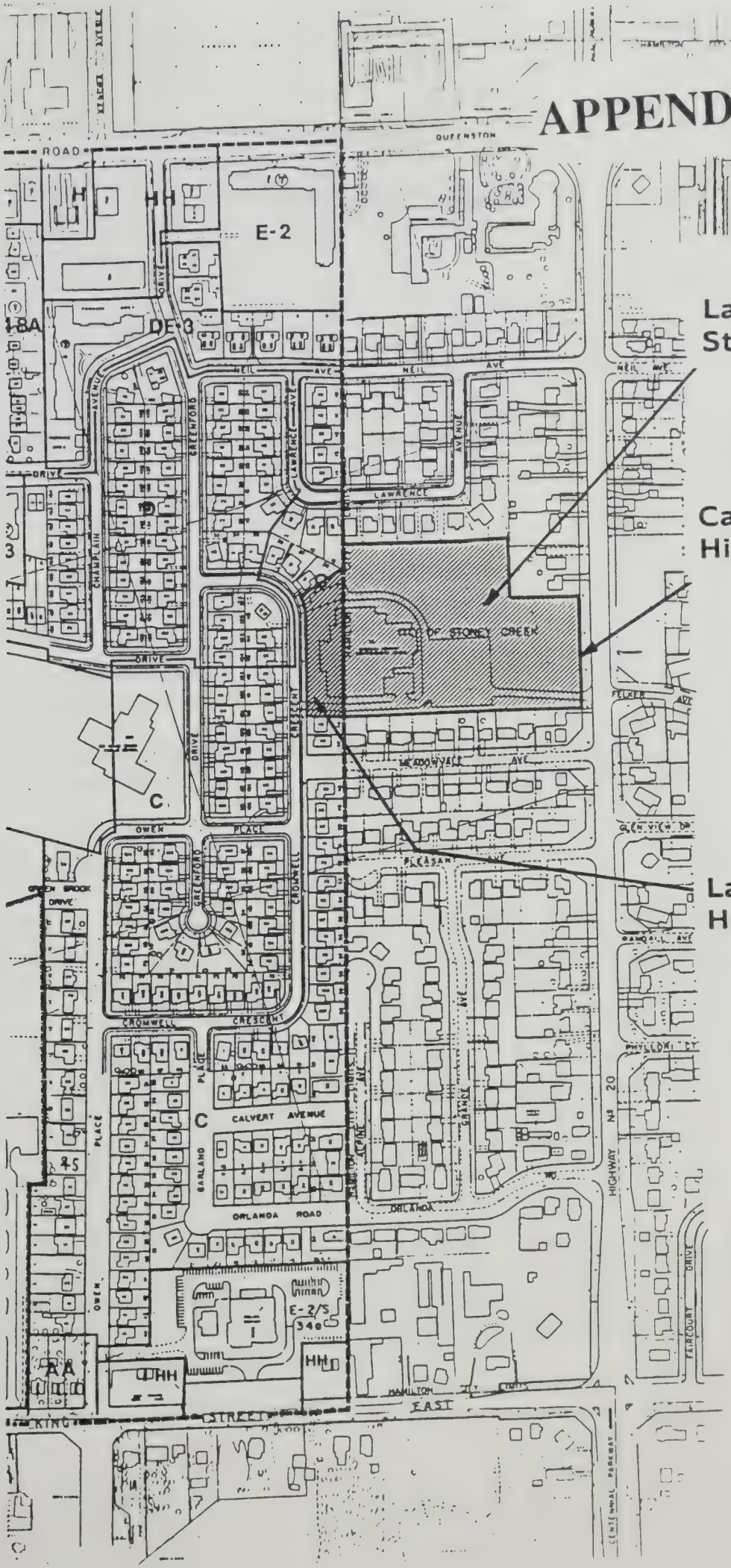
The above noted modifications are satisfactory to alleviate the concerns of the City of Hamilton.

CONCLUSION:

Based on the foregoing, it would be appropriate for the City of Hamilton to request:
request the Regional Municipality of Hamilton-Wentworth to remove the deferral of the MEDIUM DENSITY designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) provided the modifications noted above are included in OPA No. 66.

JHE
c:\opa\stoney.rpt

APPENDIX "A"


Lands within Stoney Creek
Cardinal Newman High School Site
Lands within Hamilton
E-2
DE-3
1-8A
C
E-2/S 340
AA
HH
CALVERT AVENUE
ORLANDA ROAD
CROMWELL CRESCENT
OWEN PLACE
KING STREET EAST
HIGHWAY No. 20

(f)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 15
A-97-159

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

P. Noé Johnson
City Solicitor

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-97-159, respecting property located at No. 35 Proctor Boulevard.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that three working days of staff time each will be required, for one representative from the Planning and Development Department (approximately $750) and one from the Law Department (approximately $3,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-97-159 has recently been appealed to the Ontario Municipal Board. At its meeting of July 23, 1997, the Committee accepted Planning and Development staff's recommendation and denied the application. The proposal is to permit the property at No. 35 Proctor Boulevard to be used for a residential care facility, notwithstanding that the radial separation distance would be less than the minimum required 180 m, the lot width is 11.58 m, whereas the Zoning By-law requires a minimum of 12 m, the lot area is 317.72 m^2, whereas the Zoning By-law requires a minimum of 360 m^2, and one parking space would be provided, instead of the required three. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

C (9)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 18
(PLC-97-03)
Allison Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Allison Estates - Phase 4" Subdivision
Registered Plan No. 62M-823

RECOMMENDATION:

a) That approval be given to the request of J. Parente, Solicitor, for 200 Rymal Road Inc., owner, to remove part-lot control to establish maintenance easements for Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, Registered Plan 62M-823 "Allison Estates - Phase 4", as shown on APPENDIX "A";

b) That the exempting by-law be restricted to a 1 year effective time period to expire on October 1, 1998;

c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, Registered Plan 62M-823 "Allison Estates - Phase 4" plan of subdivision, be presentation to City Council; and,

d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

Joanne Hickey Evans

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Allison Estates - Phase 4". The maintenance easements will be on Lots 1 - 16, inclusive, and Blocks 20 - 22".

Location

The lands are located south of Rymal Road West, west of Upper Wellington Street in the Allison Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.2), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC97-03.rpt

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Allison Estates - Phase 4" Subdivision, Plan 62M-823
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance easements, shall not apply to the following lands:

   Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, within Registered Plan Number 62M-823, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

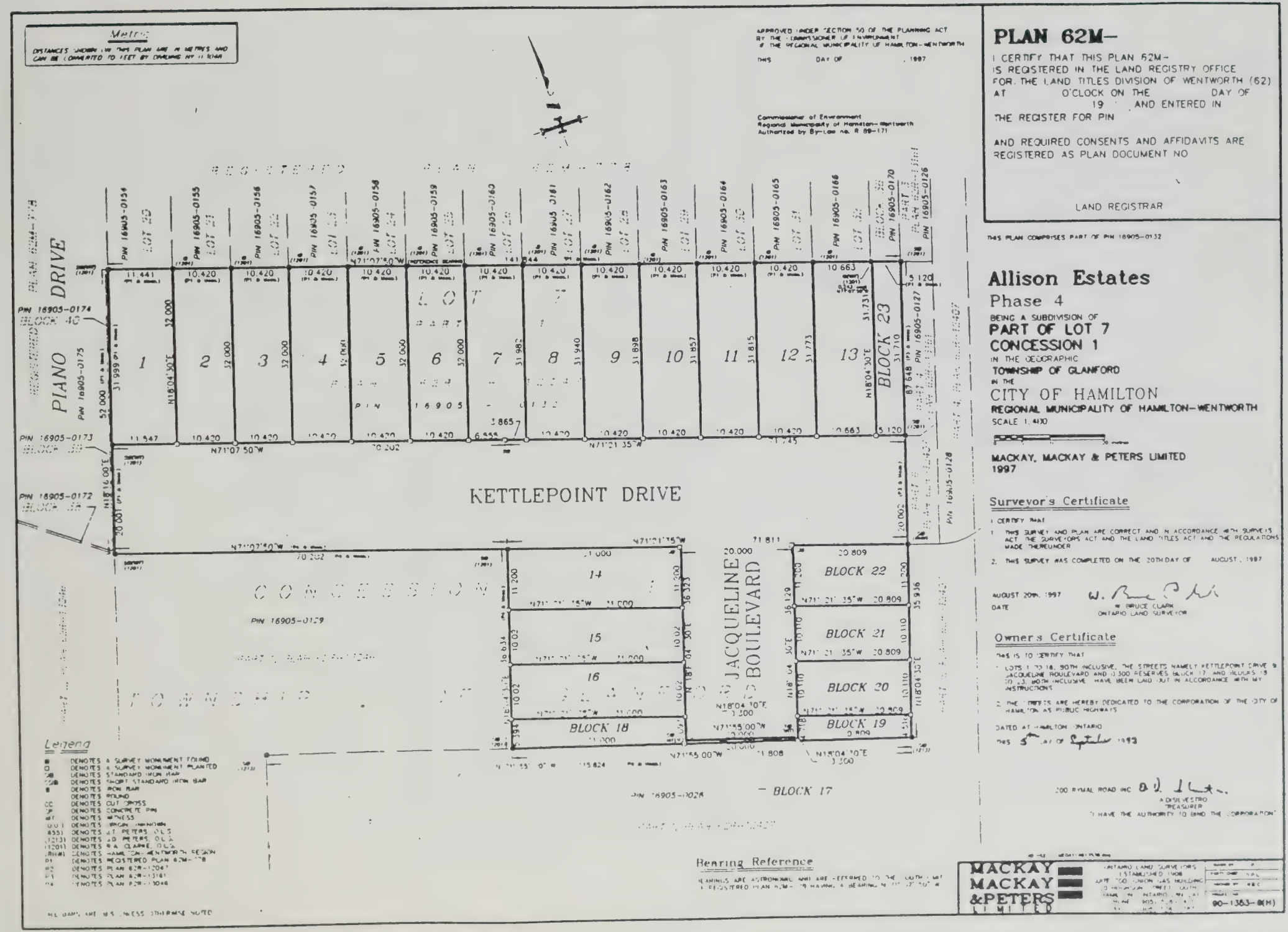
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on October 1, 1998.

PASSED this day of A.D. 1997.

City Clerk Mayor


Metric
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF THE ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
THIS DAY OF , 1997
Commissioner of Environment
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law no. R 89-171
PLAN 62M-
I CERTIFY THAT THIS PLAN 62M- IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT O'CLOCK ON THE DAY OF 19 , AND ENTERED IN THE REGISTER FOR PIN
AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT NO
LAND REGISTRAR
THIS PLAN COMPRISES PART OF PIN 16905-0132
Allison Estates
Phase 4
BEING A SUBDIVISION OF
PART OF LOT 7
CONCESSION 1
IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:400
MACKAY, MACKAY & PETERS LIMITED
1997
PIANO DRIVE
KETTLEPOINT DRIVE
JACQUELINE BOULEVARD
BLOCK 17
BLOCK 18
BLOCK 19
BLOCK 20
BLOCK 21
BLOCK 22
BLOCK 23
LOT 7
CONCESSION 1
TOWNSHIP OF GLANFORD
PIN 16905-0129
PIN 16905-0128
PIN 16905-0126
PIN 16905-0127
PIN 16905-0132
PIN 16905-0154
PIN 16905-0155
PIN 16905-0156
PIN 16905-0157
PIN 16905-0158
PIN 16905-0159
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PIN 16905-0164
PIN 16905-0165
PIN 16905-0166
PIN 16905-0170
PIN 16905-0171
PIN 16905-0172
PIN 16905-0173
PIN 16905-0174
PIN 16905-0175
Surveyor's Certificate
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH SURVEYS ACT THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 20TH DAY OF AUGUST, 1997
AUGUST 20th, 1997
DATE
W. BRUCE CLARK
ONTARIO LAND SURVEYOR
Owner's Certificate
THIS IS TO CERTIFY THAT
1. LOTS 1 TO 18, BOTH INCLUSIVE, THE STREETS NAMELY KETTLEPOINT DRIVE & JACQUELINE BOULEVARD AND 0.300 RESERVES BLOCK 17 AND BLOCKS 19 TO 23, BOTH INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS
DATED AT HAMILTON, ONTARIO
THIS 5th DAY OF September 1997
200 RYMAL ROAD INC
A DULY AUTHORIZED TREASURER
I HAVE THE AUTHORITY TO BIND THE CORPORATION
Legend
DENOTES A SURVEY MONUMENT FOUND
DENOTES A SURVEY MONUMENT PLANTED
DENOTES STANDARD IRON BAR
DENOTES SHORT STANDARD IRON BAR
DENOTES IRON BAR
DENOTES ROUND
DENOTES CUT CROSS
DENOTES CONCRETE PIN
DENOTES WITNESS
DENOTES MEASURED
DENOTES A.T. PETERS, O.L.S.
DENOTES A.D. PETERS, O.L.S.
DENOTES R.A. CLARKE, O.L.S.
DENOTES HAMILTON-WENTWORTH REGION
DENOTES REGISTERED PLAN 62M-
DENOTES PLAN 62R-12067
DENOTES PLAN 62R-13161
DENOTES PLAN 62R-13048
ALL BEARINGS ARE UTM GRID BEARINGS UNLESS OTHERWISE NOTED
Bearing Reference
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LIMIT OF REGISTERED PLAN 62M-, AS HAVING A BEARING OF N71°55'00"W
MACKAY MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
ESTABLISHED 1908
90-1363-8(H)

APPENDIX "A"

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 24

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report dated 1997 September 5 from P. Noé Johnson, City Solicitor re Administrative Tribunal Update

(b) Information Report dated 1997 September 15 from L.C. King, Building Commissioner re 605-609 James Street N, CleanSoils Inc. - Pier 26, Eastport Drive

(c) Private and Confidential Information Report dated 1997 September 16 from P. Noé Johnson, City Solicitor re Mobile Signs

(d) Removal of Development Control Regulations of the Niagara Escarpment Commission - City of Hamilton

(e) Site Plans for Approval

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1997

URBAN MUNICIPAL
OCT 9 1997
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 October 8
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder

Susan K. Reeder, Acting Secretary
Planning and Development Committee

AGENDA

DELEGATION

1. Downtown Partnership Planning Task Force

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

2. Zoning Application 97-26, by Alexander Street Lofts Development, prospective owner, for a change in zoning from "D" district to "DE" district for property located at 220 Dundurn Street South.

3. Official Plan Amendment and Zoning Applications 97-27, by Barriview Developments Limited, owner, for a further modification in zoning to the established "HH" district for lands located at 880 Upper Wentworth Street.

4. Rental Housing Protection Act Application, DE-97-001, 11 Emerald Street South

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

5. Official Plan Amendment and Zoning Applications 97-22, by Kaz Kusmlerczak, prospective owner, for a modification in zoning to the established "C" district for lands located at 245 Mohawk Road West.

6. Zoning Application 97-29, by 839891 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "C" district to "R-4" district for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive. ZAC-97-29/SAR-97/05

Ken Roberts
C.E.O.
Hamilton Public Library

7. **DIRECTOR OF PLANNING AND DEVELOPMENT/CHIEF ADMINISTRATIVE OFFICER**

Endorsement of CityView, Hamilton Official Plan Review.

8. **BUILDING COMMISSIONER**

(a) Enforcement of By-law #84-34 with respect to Naturalized Areas on Private Property.

(b) Information Interim Report - Highrise Inventory Assessment (copy to follow)

9. **REFERRED BACK BY CITY COUNCIL**

Official Plan Amendment No. 141 and Subdivision Application 97-04 for a draft plan of subdivision "Paradise Meadows" on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road.

10. **TABLED FROM THE PREVIOUS MEETING**

Request for a change in zoning - 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street

11. **CONSENT AGENDA**

12. **IN CAMERA AGENDA**

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

Hamilton Downtown Partnership
Strategic Planning Task Force
Interim Report - October 1997

Introduction

The Hamilton Downtown Partnership and the Strategic Planning Task Force had its origins with an initiative sponsored by both the City of Hamilton and the Region of Hamilton-Wentworth which led to the formation of a founding board of the Greater Hamilton Downtown Development Corporation. Through the work of this founding board, a document entitled 'Strong Medicine' was produced. This report outlined a number of initiatives which were geared toward helping to revitalize the downtown core area.

That original report was intended to present some immediate responses to a perceived decline in the downtown area. As part of that exercise, it was recognized that a long-term strategic plan should be prepared to identify and be able to implement a long-term vision for the downtown area. The Strategic Planning Task Force was created for that purpose. Its mandate, approved by both City and Regional Councils, was to include:

> *"undertake surveys, analysis and develop future vision, directions and requirements"*; and
>
> *"prepare a comprehensive strategic document for the long-term vision of the downtown community to create a broad understandable framework within which initiatives can be assessed."*

Project Schedule

The Strategic Planning Task Force began meeting in May 1997. Since that time, the Task Force has prepared an outline of activities which will lead to the preparation of a strategic planning report by the spring of 1998. During that time, the Task Force will be involved in a number of activities including gathering of data and preparation of policies for the downtown. The Task Force will also be involved in a program of public participation. This will include regular mailings that will be presented to a number of stakeholders. The first such information outline was sent late in August of this year.

This public process will include ongoing contact with stakeholders as well as a more formal opportunity for the public to respond early in 1998 prior to the release of the draft report and again immediately after the release of a draft document.

A summary of the project outline is contained within Schedule 1 of this report.

Report Outline

While the Task Force is now in the process of gathering information and research, an outline of the Task Force report has been prepared and is included in Schedule 2. As can be seen from the outline, the intent is to draft a comprehensive review of downtown development, particularly as it relates to the City of Hamilton. While the order of the report is still subject to review, the general content has been established.

Other Studies

The Task Force will rely heavily on information previously obtained from past analysis of the Hamilton Downtown. We will also utilize information from recently completed questionnaires from the local BIA's, as well as information to be obtained from the business sector through a process being undertaken by the Task Force itself. A summary of the past studies and their findings is included as Schedule 3 to this report.

In addition to a review of studies undertaken for the Hamilton downtown area, the Task Force has also reviewed studies undertaken for other Canadian cities. A list of the cities examined and a review of their strategies is included as Schedule 4 to this report.

Strong Medicine

One of the elements of the mandate of the Task Force was to review the limitation of measures contained in the Strong Medicine report. For that reason, the report will examine how effectively initiatives in the Strong Medicine document have been implemented. A preliminary review of those initiatives and our findings to date is included as Schedule 5 This information will be updated in the preparation of the Strategic Plan document.

Stakeholders and Ongoing Programs

In order to be effective, the Strategic Plan must be able to integrate the activities of a wide range of stakeholders in the downtown area. Through correspondence to the stakeholders, we have asked that all initiatives and programs undertaken in the downtown be brought to our attention in order that we may properly assemble this information into one comprehensive and integrated report. A summary of some of those initiatives is provided as Schedule 5 to this report.

The Task Force is certainly not the only group working on downtown initiatives. Our preliminary review of this list of activities reveals that there are a large number of effective programs now being undertaken by a variety of different groups. The approach of the Task Force will be to encourage participation and ownership of the plan by as wide a group of stakeholders as possible.

Partnerships

In the true spirit of the objective of the Downtown Partnership, our Task Force has enlisted the assistance of both McMaster University and Mohawk College in assisting in gathering information and undertaking research. The results of that work will be reported early in 1998 and will become an integral part of our Strategic Plan document.

Public Participation

One key to the success of this process is the extent to which the public and various stakeholders are involved in the preparation of the plan document itself. To that end, the Task Force has scheduled a meeting with representatives of the four surrounding neighbourhood associations to gather their input at this early stage of the planning process. We also plan to have an open house/public meeting in November, again to give the broader community the opportunity to provide input to the planning process at a time when information is being gathered.

This public input will continue through the new year, including a meeting in February to discuss the results of our preliminary analysis. A third review of our work will be undertaken in April after the preparation of a draft report. Throughout this process, update reports will also be sent at regular intervals to the various stakeholders in the downtown.

Staffing Proposal

In order to be able to properly fulfil the mandate of the Task Force, a staffing proposal is attached as Schedule 7 to this report. This proposal outlines the cost and the need for additional staff to ensure the Task Force is able to properly fulfil its mandate. All of the Task Force members are actively involved in the preparation of the Strategic Plan and have assume specific responsibilities on their own. However, in order to ensure that all tasks are completed within a reasonable time frame and to assist in coordinating the various facets of the work program required to produce a final report document, further assistance is required.

Summary

The Task Force will be active during the next few months completing its research program. This will include receiving and reviewing results of analysis being undertaken by McMaster University and Mohawk College. We will be in regular contact with the stakeholders in the downtown area and would encourage any individual group or organization who is involved at all in programs related to the downtown to keep our Task Force informed of their progress.

Respectfully Submitted,

Ed Fothergill, Chairman
Strategic Planning Sub-Committee
Hamilton Downtown Partnership

Downtown Partnership
Strategic Planning Task Force

Jeff Brookfield
Hamilton Harbour Commissioners
605 James Street North
Hamilton, Ontario
L8L 1K1

Mary Pocius
International Village B.I.A.
P.O. Box 91220, Effort Square P.O.
Hamilton, Ontario
L8N 4G4

Margaret Politi
Chambers & Co.
200 - 20 Hughson Street South
Hamilton, Ontario
L8P 3P6

Bill Janssen
City of Hamilton - Planning Department
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

Carlo Gorni
Downtown Hamilton B.I.A.
P.O. Box 91045 Effort Square P.O.
Hamilton, Ontario
L8N 4G3

Gil Simmons
Central Area Plan Implementation
449 Bay Street North
Hamilton, Ontario
L8L 1N2

Mark Mascarenhas
City of Hamilton
Housing & Loans Division
71 Main Street West
Hamilton, Ontario L8N 3T4

Natalie Nafekh
Turkstra Garrod Hodgson
15 Bold St.
Hamilton, Ontario
L8N 1T3

Scott Snider
Turkstra, Garrod, Hodgson
15 Bold Street
Hamilton, Ontario
L8P 1T3

Mark Benassi
Economic Development Dept.
One James St. S.
Hamilton, Ont.
L8P 4R5

Gerry Forbes
Region of Hamilton-Wentworth
Roads Division
25 Main St. W., 10th Flr.
Hamilton, Ont. L8P 1H1

Ed Fothergill
Fothergill Planning & Development Inc.
1015-135 James St. S.
Hamilton, Ont.
L8P 2Z6

Hamilton Downtown Partnership
Strategic Planning Task Force
Interim Report - October 1997

List of Schedules

Schedule 1	Hamilton Downtown Partnership Strategic Planning Task Force Project Schedule
Schedule 2	Hamilton Downtown Strategic Plan Table of Contents
Schedule 3	Hamilton Downtown Summary of Issues and Improvement Strategies from Reports
Schedule 4	List of Cities and Reports Surveyed for Downtown Revitalization Strategies
Schedule 5	Status on Implementation Initiatives for *Strong Medicine... A Prescription for the Heart of Hamilton-Wentworth*
Schedule 6	Downtown Initiatives Planning and Development Department June 9, 1997
Schedule 7	Staffing Proposal

SCHEDULE 1

Hamilton Downtown Partnership
Strategic Planning Task Force

Project Schedule

1.	Initial Meeting of Task Force	May 1997
2.	Preparation of Project Schedule and Report Outline	June 1997
3.	Completion of Phase 1 Research - Review of past reports - Hamilton - Review of past reports - other cities - Analysis of Strong Medicine initiatives	August 31/97
4.	Initial Correspondence to stakeholders	August 1997
5.	Start of Work Program - McMaster University - Mohawk College	September 1997
6.	Drafting of initial sections of report	September 1997
7.	Status Report to City and Regional Committees	October 1997
8.	Meeting with Neighbourhood Association Representatives	October 1997
9.	Initial Public Open House	November 1997
10.	Completion of Work Program - McMaster University - Mohawk College	December 1997
11.	Review of work by McMaster, Mohawk	January 1998
12.	Second contact with stakeholders	January 1998
13.	Second public meeting/open house	February 1998
14.	Preparation of draft of report	March 1998
15.	Presentation to City and Regional Council	March 1998
16.	Public review and meeting	April 1998
17.	Preparation of final report	May/June 1998
18.	Presentation to City and Regional Committees	June 1998

SCHEDULE 2

HAMILTON DOWNTOWN STRATEGIC PLAN

Table of Contents

1. Introduction
   (Why are we Doing This?)

2. Role of Downtown and Why it is Important
   (Central Business District, Downtown, Core Area - What is it?)

3. Evolution of Downtowns in Southern Ontario

4. The Historical Experience of Hamilton
   (King and James is Where It's At Here)

8. Other Examples of Downtown Development Programs
   (Has Anyone Done This Before?)

5. Conceptual Framework
   (Who is Downtown?)

6. Downtown Hamilton Today

7. Research Results
   (What Do People Say?)

9. General Planning Objectives
   (Which Way are we Going?)

10. Implementation
    (How do we Get There?)

11. Review Mechanisms
    (Do we ever have to do this again?)

12. Conclusions

SCHEDULE 3

Hamilton Downtown - Summary of Issues and Improvement Strategies from Reports

The following reports were examined:

1. The Central Area Plan Implementation Committee (CAPIC) and Environmental Health Program, McMaster University. **CAPIC Public Forum on Downtown**, 1995.

2. City of Hamilton. **First Report of the Mayor's Task Force on Downtown Issues and Renewal.** March 7, 1994.

3. City of Hamilton. **Downtown Hamilton Community Improvement Plan.** May 29, 1997.

4. City of Hamilton. **Downtown Revitalization - List of Issues and Concerns.** Undated.

5. Greater Hamilton Economic Development. **Hamilton Downtown: It's Always and Event**, 1995.

6. Greater Hamilton Economic Development. **Preliminary Study on Student Housing in Downtown Hamilton**, April, 1996.

7. Greater Hamilton Downtown Community Development Corporation. **Strong Medicine...A Prescription for the Heart of Hamilton-Wentworth**, August, 1996.

8. Hamilton and District Chamber of Commerce. **Rebuilding the Heart of Greater Hamilton.** June 4, 1997

9. Hamilton Society of Architects. **Hamilton Downtown Ideas Charrette**, June, 1996.

10. Lifetime Consulting Services. **Downtown Hamilton: Into the Future with Confidence, Draft Report**, February, 1996.

11. Mokrycke, John. **Downtown Revitalization**, undated.

12. Planning and Development Department of the Regional Municipality of Hamilton-Wentworth in conjunction with The Central Area Plan Advisory Committee. **Central Area Plan for the City of Hamilton**, January, 1981.

13. Urban Design Consultants. **International Village BIA Facade Improvement Study**, March, 1992.

Strategies Taken from Specific Reports

Key:

Where no letters appear in parentheses after the strategy, it is from the **Hamilton Downtown Ideas Charette.** It should be noted that because there were five groups involved in the Charrette, many strategies were presented, and in some cases are contradictory.

DR **Downtown Revitalization** by John Mokrycke
HD **Hamilton Downtown: It's Always an Event**
SM **Strong Medicine**
DH **Downtown Hamilton: Into the Future with Confidence**
CI **Downtown Hamilton Community Improvement Plan**
RH **Rebuilding the Heart of Greater Hamilton**
MT **First Report on the Mayor's Task Force on Downtown Issues and Renewal**
IC **Downtown Revitalization - List of Issues and Concerns**

Other reports are not included in the key because they do not present specific strategies useful to this particular exercise. They were, however, reviewed for the purpose of gaining background information.

Hamilton Downtown - Summary of Issues and Improvement Strategies from Reports

Issue	Response, Recommendation
Greenspace	- investigate ways of "greening" the downtown and providing activity areas and recreational opportunities for people of all ages, interests and economic groups - develop an upper level urban park in the Jackson Square plaza - create a "green loop" throughout the core - redevelop Main Street as a "grand boulevard" with wider sidewalks and a central landscaped median - develop green links between the core and outlying areas, strengthen connections
Visual Aesthetics	- redesign King Street in a more pedestrian friendly way with wider sidewalks, outdoor patios, and improved lighting - street improvements to strengthen connections: - on-street parking - dedicated bicycle lanes - wider sidewalks along retail streets, boulevards, and special designated zones - provide street furniture such as benches, information kiosks, planters - provide street lighting that is pedestrian-oriented in scale, colour rendition - encourage uniform design of signage, eliminate highway oriented billboards - extensive planting of street trees to bring back the historic pattern of vegetation - use public space as locations where public art may be added over time - convert existing unused inner block courts to interesting public spaces - rework Ellen Fairclough building to contribute to the streetscape (DR) - better entrances to the city (DR) - promote the use of landmarks such as towers and clocks to enhance variety in the built form - encourage "beautification" of backage - fund a conceptual design study for the core (HD) - make the downtown area pedestrian friendly and aesthetically attractive (RH)

- all BIA and City beautification projects - flowers, hanging baskets and trees etc. be supported even amidst other spending cuts (MT)
- city staff and the public be encouraged to remove posters from poles, etc. in accordance with the by-law (MT)
- a pleasant street and sidewalk ambiance should be a priority in all decisions - everything from outdoor cafes to beautification to police presence etc. (MT)
- the downtown area have some of the newspaper boxes removed. This should help aesthetically and may give more business to the stores which sell newspapers (MT)
- bus shelters be cleaned up more regularly (MT)
- install pull-down shades of many colours in all empty storefronts (IC)
- pigeons are messy problem; people still feed them (IC)
- build a monument which captures image of the City, to attract tourists (IC)
- enforce property standards by-laws to ensure upkeep of all housing, to create more appealing living space for all. Note maintenance of rental property is responsibility of owner, not tenant (IC)

Transportation

-street improvements to strengthen connections:
  - on-street parking
  - dedicated bicycle lanes
  - wider sidewalks along retail streets, boulevards, and special designated zones
  - provide street furniture such as benches, information kiosks, planters
  - provide street lighting that is pedestrian-oriented in scale, colour rendition
  - encourage uniform design of signage, eliminate highway oriented billboards
  - extensive planting of street trees to bring back the historic pattern of vegetation
- relocate the bus transfer / terminus away from Gore Park
- look at opportunities for traffic calming and improved streetscapes with on-street parking, wider sidewalks and bicycle lanes
- establish cycling lanes and routes throughout the downtown core and linking with other community-wide routes and open space systems
- relocate bus stops away from "dead" areas to more active and pedestrian friendly locations
- improve the appearance and safety of existing transit stop areas
- consider a shuttle-bus service within the core and from other areas
- use traffic calming where pedestrians and cyclists interact with vehicles

- marketing campaign encouraging the use of public transit
- return major streets in the core to a two-way traffic system
- consider a light-rapid transit facility to connect the Downtown with the Harbour and the Mountain
- better identification of the downtown and its key attractions from external highway locations
- the existing traffic flow be studied so that it does not encourage people to drive slowly through downtown and stop (MT)
- the police department be requested to enforce truck routes on King Street East and that the Region be asked to utilize as much infrastructure program money as possible for the perimeter road (MT)
- the Traffic Department study the diversion of truck traffic from Main Street (MT)
- trucks should be kept out of the core (IC)

Parking

- street improvements to strengthen connections:
    - on-street parking
    - dedicated bicycle lanes
    - wider sidewalks along retail streets, boulevards, and special designated zones
    - provide street furniture such as benches, information kiosks, planters
    - provide street lighting that is pedestrian-oriented in scale, colour rendition
    - encourage uniform design of signage, eliminate highway oriented billboards
    - extensive planting of street trees to bring back the historic pattern of vegetation
- employ new technologies providing parking rights by time and on a broader payment basis
- reduce the number of parking lots
- design parking areas in more attractive ways in combination with related and adjacent activity areas
- provide more on-street, short-term parking that is readily accessible to businesses
- consider free on-street parking during evenings and weekends
- encourage lower prices for short term parking
- encourage businesses to buy parking as an incentive for their customers
- dramatically reduce parking enforcement
- provision of short term inexpensive parking (RH)
- innovative parking arrangements be considered so as to compete with the free parking offered at malls (MT)

	- free parking be investigated with the view that it may pay off in the long run if it attracts more people downtown, thereby encouraging more stores to open and the tax base to increase (MT) - the Hamilton Parking Authority and the Royal Connaught Hotel be encouraged to conclude and implement plans for a major multi-tiered parking structure immediately (MT) - the flexibility on the part of city staff vis-a-vis parking enforcement be applauded and reinforced (MT) - additional parking metres on King Street be encouraged so that more people will park and shop in the downtown (MT) - police officers be encouraged to park elsewhere than at parking metres on King Street when spending time in court (MT)
Lack of Development / High Number of Vacancies	- request that the province re-evaluate the property assessment system - bring in a major institutional facility that would create ongoing and year-round activities as well as increase the residential population downtown - attract a professional sports team as both a local and regional draw to provide regular seasonal activity and spin-off benefits for local businesses - identify marketing opportunities through analysis of demographic and economic trends and growth industries - develop unique recreational activities and specialty shopping areas - market downtown as a viable, dynamic, and convenient live / work environment - build an image for Hamilton that focuses on its growth / redevelopment potential - encourage businesses and services in incubator complexes in older, larger buildings - pressure / encouragement on derelict / underutilized properties - redeploy Regional Offices within Downtown - encourage development of harbour lands - international conference centre, multicultural gardens, boat tours (DR) - establish a mountain brow restaurant at Sam Lawrence Park - design competition for international exposure (DR) - small European style, high end hotel (DR) - recruit major US retailers without a significant presence in Ontario (SM) - recruit short-term commercial tenants to vacant properties (SM) - encourage the Art Gallery to initiate a major reservation-ticket exhibition with commercial marketing potential (SM) - implement an Economic Action Plan with emphasis on such things as improving the workforce; improving competitiveness of small business; building parterships in the community; and developing community

infrastructure that is supportive of economic development (CI)
- market the downtown area to business investors outside of the Hamilton area (CI)
- major institutional uses be encouraged in the downtown east of James Street (MT)
- residential complexes be encouraged in all parts of the CBD - including up-scale projects east of James (MT)
- encourage special ethnic projects, eg. Chinatowns on James Street North and King Street East (MT)
- re-initiate efforts to join the redeveloped area east of Bay with Hess Village (MT)
- a permanent committee to market downtown be established and consist of city and regional staff, all local business, media and other interested parties (MT)
- the banks continue to be encouraged to develop their own projects - especially east of James (MT)
- Downtown Enterprize Zone should be extended to Queen Street (IC)
- need to consider downtown as part of overall city and region in terms of issues, changes, analysis, and policies. Should look at new regional shopping malls and other development at edge of city as weakening downtown (IC)
- promote redevelopment of Hamilton downtown in Toronto newapapers (IC)
- have Jackson Square open every night until 9:00 p.m., except Saturday and Sunday, and have a supermarket locate downtown (IC)

Planning Process / City Initiatives

- deregulate zoning, reduce red tape, re-evaluate property assessment and eliminate development charges
- introduction of more, innovative housing and the services and amenities needed to provide a range of opportunities to live, work and play in the core
- encourage a pattern of small development blocks and a tree-lined grid of streets
- market the city to attract facilities and events that can provide for stable business opportunities over the long run
- encourage new tourism, residential, and business opportunities to locate downtown
- build on the historic built form, streets, open space and infrastructure while adding a new layer of development to meet the city's needs in the future
- restrictions on land uses should be limited to noxious uses and be typically restricted to certain types of industrial uses

- request that the province re-evaluate the property assessment system currently used
- re-evaluate the assessment of vacant lots to discourage demolition of buildings
- create incentives to encourage improvements of existing buildings and properties
- bring in a major institutional facility that would create ongoing and year-round activities as well as increase the residential population downtown
- attract a professional sports team as both a local and regional draw to provide regular seasonal activity and spin-off benefits for local businesses
- identify marketing opportunities through analysis of demographic and economic trends and growth industries
- develop unique recreational activities and specialty shopping areas
- market downtown as a viable, dynamic, and convenient live / work environment
- build an image for Hamilton that focuses on its growth / redevelopment potential
- promote a robust residential population
- encourage businesses and services in incubator complexes in older, larger buildings
- tangible municipal support of tax appeals by small businesses
- promotion of "no fee" enterprise zone
- pressure / encouragement on derelict / underutilized properties
- conversion to development permit system by:
    - making downtown a neighbourhood on its own
    - establishing generous, unrestricted "I" zone / non specific use
    - issuing rapid, limited life development permits
    - development criteria publicly and politically approved, but be administered by design professionals
    - give an additional credit for sustainable proposals
- a downtown facilitator position should be created to promote development opportunities
- promote and encourage public / private partnerships on downtown improvements
- redeploy Regional Offices within Downtown
- avoid any additional mega projects
- seek clear political support for a downtown vision
- elimination of development charges
- elimination of building permit fees
- elimination of 5% park dedication requirements
- reduction of development permit requirements
- provide facilities for design studios, computer software firms, artists

studios, and "loft" apartments (SM)
- create a separate Downtown current and capital budget in order to allow priorities to be established and work to be more effectively coordinated (SM)
- encourage development of harbour lands - international conference centre, multicultural gardens, boat tours
- establish a Hamilton Chinatown with the CN station as its focal point in Jamesville (DR)
- encourage further development of the International Village (DR)
- investigate financial assistance programs to encourage business in downtown (HD)
- the province endorse the establishment of a non profit Downtown Revitalization Corporation (HD)
- actively use and adaptively re-use heritage buildings to suit the short-term and long-term functional needs of the downtown
- protect heritage buildings through restoration incentives and by exercising existing powers
- heritage designation for the downtown area (HD)
- the province should investigate expanding the building improvement loan program for designated areas (HD)
- fund a conceptual design study for the core (HD)
- promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region (CI)
- maintain the Regional Administrative Offices in the Regional Centre (CI)
- promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts) (CI)
- direct retail / commercial / office uses to locate in mixed use activity centres and corridors, shopping centres, existing and planned retail areas (CI)
- encourage head offices and large branch offices of finance, insurance and real estate firms serving region-wide or specialized interests to locate in the regional centre (CI)
- encourage region-wide or specialized community, business and personal services to locate in the regional centre (CI)
- plan and operate the urban transit system so that the regional centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility (CI)
- changes as required in zoning regulations to encourage residential and mixed use developments (RH)
- assistance in resolving site remediation issues (RH)
- take steps to lower property taxes in downtown Hamilton (MT)

- all efforts of business people on James Street North to form business associations should be supported (MT)
- all downtown hotels be reassured of the city's support at all times and that the region be encouraged to do likewise (MT)
- the mayor invite groups of property owners to regular meetings to see where the City can help facilitate collaboration and consolidation of efforts, joint ventures etc. and also to deal with abandoned buildings, litter etc. (MT)
- the City be congratulated on an excellent job on snow removal on the roads but be encouraged to do a better job on sidewalks and all pedestrian areas (MT)
- should have more forums; bring people together to discuss issues (IC)
- need immediate action, to keep present downtown shoppers while waiting for long term plans for revitalization (IC)
- have smaller workshops, focussing on different issues, such as beautification, parking, civic identity, etc (IC)
- begin a redevelopment program; initiate the Ferguson Ave. Redevelopment Plan as soon as possible to improve east part of core (IC)
- need more positive media coverage about things related to downtown (IC)

Safety

- redesign King Street in a more pedestrian friendly way with wider sidewalks, outdoor patios, and improved lighting
- use traffic calming where pedestrians and cyclists interact with vehicles
- address areas that are problematic in terms of their physical design or are unsafe and investigate ways to make them more active and viable spaces
- development policy / policing measures to promote a sense of security
- improve safety (police presence, lighting, neighbourhood watch, security operation, social service strategies) (DH)
- improvements to safety and lighting (RH)
- elimination of undesirable effects of loitering (RH)
- the city study the standard of lighting on King, James, and King William Streets with a view to upgrading it satisfactorily (MT)
- the Hamilton-Wentworth Regional Police be thanked for their help and encouraged to make an absolute priority of the downtown (MT)

Infrastructure	- encourage a pattern of small development blocks and a tree-lined grid of streets - build on the historic built form, streets, open space and infrastructure while adding a new layer of development to meet the city's needs in the future - support the Region's infrastructure expansion moratorium - attention to soil remediation and site problems - create a fibre-optic communications network to attract communications-based business (SM) - development and enhancement of fibre-optics network in the downtown area (RH) - the city review the cost to treat all assumed alleyways in the central business district as roadways vis-a-vis snow removal and maintenance, also to review lighting and refuse. Efforts are to be coordinated with BIA's etc. (MT)
Inappropriate Building Types / Decay / Urban Design	- address areas that are problematic in terms of their physical design or are unsafe and investigate ways to make them more active and viable spaces - development should be controlled through development and built-form standards such as density, building height, setbacks / build-to lines, and parking and servicing requirements - a maximum building height of six storeys - retain and reclaim the grid of remnant elements - conserve the character of the built form through retention of heritage buildings - actively use and adaptively re-use heritage buildings to suit the short-term ans long-term functional needs of the downtown - building heights and shapes should be determined by the existing street and block character - new infill buildings should have zero set-backs to maintain a continuous building line - special attention given to rhythm, heights, materials and mass / void relationships - promote the use of landmarks such as towers and clocks to enhance variety in the built form - encourage beautification of "backage" - protect heritage buildings through restoration incentives and by exercising existing powers

Lack of Pedestrian Activity

- investigate ways of "greening" the downtown and providing activity areas and recreational opportunities for people of all ages, interests and economic groups
- attract more and a greater variety of people to the core and encourage physical improvements and activities and services that will cater to a stable resident and business community and serve as a centre for the larger region
- encourage street-oriented retail
- redevelop Main Street as a "grand boulevard" with wider sidewalks and a central landscaped median
- redesign King Street in a more pedestrian friendly way with wider sidewalks, outdoor patios, and improved lighting
- street improvements to strengthen connections:
    - on-street parking
    - dedicated bicycle lanes
    - wider sidewalks along retail streets, boulevards, and special designated zones
    - provide street furniture such as benches, information kiosks, planters
    - provide street lighting that is pedestrian-oriented in scale, colour rendition
    - encourage uniform design of signage, eliminate highway oriented billboards
    - extensive planting of street trees to bring back the historic pattern of vegetation
- use public space for the promotion of active as well as passive uses
- improve the pedestrian links between key area of downtown (SM)
- convert existing unused inner block courts to interesting public spaces
- introduction of more, innovative housing and the services and amenities needed to provide a range of opportunities to live, work and play in the core
- develop green links between the core and outlying areas, strengthen connections
- establish a Hamilton Chinatown with the CN station as its focal point in Jamesville (DR)
- encourage further development of the International Village (DR)
- improve the pedestrian realm of the Hughson Street corridor (DR)
- encourage retail and arts development along King William Street (DR)
- information kiosks within the core (DR)
- street performances in summer (DR)
- move farmer's market into the open (main level, accessible) (DH)
- develop an anchor on the east end (DH)
- make the downtown area pedestrian friendly and aesthetically attractive (RH)

- development of routes to the waterfront area which take advantage of proximity and neighbourhood attributes (RH)
- promotion of cultural activities in the downtown area
- have Jackson Square open every night until 9:00 p.m., except Saturday and Sunday, and have a supermarket locate downtown (IC)

Residential

- explore the possibility of creating a full-scale neo-traditional Development neighbourhood adjacent to the Downtown (SM)
- residential development of Jackson Square Plaza (DR)
- promotion of downtown student residences (DR)
- implementation of the Convert-to-Rent Program (CI)
- investigate improved transit (CI)
- initiate a marketing program to illustrate the affordability of living in downtown Hamilton compared to locations closer to Toronto (CI)
- investigate linkages between housing developments in the downtown and access to the GO Station (CI)
- fee rebates for new development and redevelopment projects, waiving the parking requirements and the 5% parkland dedication (CI)
- inner residential neighbourhoods should be preserved, nurtured and enhanced - are part of core, bridge to rest of city. Dentrification seen as good, but avoid putting most of the social housing projects into these neighbourhoods (CI)
- work with neighbourhood associations around core, as residents will support redevelopment of core shops and services (CI)
- putting subsidized housing in core makes people who own their homes want to move out. This also causes much turnover in the area, so there is no sense of ownership (CI)
- downtown revitalization must include families and people who want to make downtown their home, because it is a safe, decent, affordable place to live (CI)
- core has great potential for more residential development, due to availability of public transit; underused schools; and unused buildings suitable for rehabilitation (CI)

SCHEDULE 4

List of Cities and Reports Surveyed for Downtown Revitalization Strategies

1.	Calgary	- Outline of Strategies
2.	Edmonton	- The Downtown Ideas Catalogue - A Summary - Capital City Downtown Plan - Capital City Downtown Plan
3.	London	- The City's Incentives for Downtown Development - Downtown Design Study - Urban Design Concept - Downtown Design Study - Design Guidelines
4.	Montreal	- Master Plan for the Ville-Marie District - Orientations and Strategies of the Montreal City Plan - Chinatown Development Plan
5.	Ottawa	- Status of Recommendations of the Re-Do-It Team's Report - Primary Plan - Central Area - Administrative Action re. Downtown Redevelopment
6.	Regina	- Viability and Sustainability of Inner City Commercial
7.	Vancouver	- A Review of Public Infrastructure and Amenity Requirements in Downtown Major Projects - General Area Redevelopment Process
8.	Winnipeg	- Centre Plan - Participation Results

Downtown Revitalization Strategies in Canadian Cities

Calgary

- public survey found people were most concerned over the issues of safety, vitality, image, parking, and open-space

- on-street surveys found opportunities for intervention to stimulate vitality, increase the perception of safety, and improve the image of Downtown

- currently seeking private sector partners in revitalization

- recently, there has been a growing desire to develop a Downtown Vision, confirming that a plan can only be effective if it is known, understood, and shared by the majority of citizens

Vancouver

- sent document "high-density housing for families with children guidelines"

- sent document "a review of downtown rowhouse developments"

- sent document "a review of public infrastructure and amenity requirements in downtown major projects"

- sent document "Coal Harbour policy statement"

- sent document "False Creek policy broadsheet"

- sent documents "general area redevelopment process" and "major projects process"

- sent report "new trade and convention facilities review program"

None of these was particularly helpful with regards to downtown revitalization

Winnipeg

Vision for Downtown

"In our vision of the future, the downtown exhibits a strong sense of community and belonging. People are safe, secure, and welcome. The downtown prides itself on the strength of its neighbourhoods, providing them with stability and opportunities for personal enrichment. Strong

networks are in place to facilitate interaction and support among citizens, the business community, and local government. The downtown is a compassionate, caring, humane place characterized by tolerance and social harmony. People are valued, included, accepted, and treated with dignity. The downtown welcomes new Canadians. It is proud of its ethnic diversity. It respects and honours its aboriginal ancestry recognizing their pivotal role in the success of the downtown. The downtown is a place for everyone, where opportunities are shared equally."

Issue	Strategy
Promoting integration by recognizing interdependence of issues, people, responses, and actions	- Integrate the healthy community concept into day-to-day activity and decision-making affecting the downtown through strong, effective leadership in both the public and private sectors, and through guidelines for cooperative action
Providing safety and security by creating a safe downtown environment	- Take measures to increase personal safety in the downtown - Implement the recommendations of the Safe City Committee as outlined in the report "A Safer Winnipeg for Women and Children" - Take measures to reduce crime against property in the downtown - Develop a public relations campaign to address perceptions of the downtown as an unsafe place

Developing strong neighbourhoods by maintaining and supporting residential neighbourhoods in and around the downtown	- Address specific needs of the homeless in the downtown - Increase access to secure quality employment opportunities - Provide a basic level of education for all downtown residents - Implement a neighbourhood management approach for existing neighbourhoods in the downtown - Create pleasant, viable, and diverse neighbourhoods - Provide appropriate community services that meet the needs of downtown neighbourhoods - Increase the supply and variety of housing in the downtown for rental or purchase - Prepare a comprehensive revitalization plan for Main Street and its surrounding neighbourhoods - Encourage a mix of new downtown residents by attracting specific diverse groups including students, seniors, immigrants, and people with disabilities - Implement a long-term neighbourhood management approach for dealing with boundary communities
Establishing self-reliance by encouraging residents and businesses to be more self-reliant	- Facilitate the formation of community-based networks to collaborate, communicate, and provide mutual support - Encourage people to participate in decisions which affect their communities, workplaces, local services, and daily lives
Promoting social harmony by establishing the downtown as a compassionate, caring, and humane place	- Address the specific needs of aboriginal residents in the downtown - Address the specific needs of new immigrants living in the downtown - Address the specific needs of youth who live in or frequent the downtown

Offering economic opportunities by ensuring that the downtown maintains its status as the centre of business and employment	- Maintain a healthy and viable office market downtown - Alter government policy in order to locate appropriate government offices and services in the downtown - Maintain a healthy and viable retail market downtown - Encourage the location of educational facilities (including housing for students and related services) in the downtown - Establish a "one-stop" education centre in the downtown for educational information and assistance (modelled after the Canada Business Service Centre) - Establish an education centre that is relevant to the downtown's cultural and demographic needs - Actively pursue information technology and telecommunications as an opportunity for economic growth in the downtown - Encourage and support the consolidation of major arts, entertainment, and cultural facilities in the downtown - Actively promote the downtown's assets as a means of stimulating growth in urban tourism
Committing to economic sustainability by pursuing economic development in a manner that integrates the environment and the social fabric	- Keep and attract targeted businesses and activities in the downtown - Foster a positive climate for new investments and redevelopment in the downtown - Develop a strong, practical marketing plan for the downtown backed by research and supported by effective communications - Develop better links between downtown business and education services and facilities offered in the downtown - Develop training programs that facilitate labour force entry into high-tech industries such as information systems and telecommunications - Establish measurable indicators for the downtown

Ensuring accessibility by providing convenient access to all downtown services, facilities, and activities and ensuring that they are enjoyed by all	- Create a more convenient, comfortable, and accessible pedestrian system in the downtown - Develop the public transit system as the primary mover of people into and out of the downtown - Develop better links between activity centres in the downtown - Complete the designated Walkway System - Review the street system to define the function of streets in the downtown and to establish a hierarchy of their use - Give high priority to the major access routes into the downtown for maintenance and functional improvements - Give special status to Portage Avenue to be functionally responsive to pedestrians - Improve the provision of short-term parking in the downtown - Develop a comprehensive signage program for the downtown including parking, walkways, destinations, activities, and special events - Recognize the importance of views and landmarks in providing orientation downtown - Provide a comprehensive information program for the downtown including parking, services, destinations, activities, and special events - Work toward the elimination of barriers that preclude access to services, facilities, and activities in the downtown
Integrating uses to ensure that the downtown is carefully organized	- Pursue the concept of clustering as a guide for future downtown development - Ensure that downtown zoning promotes compact, dense, and diverse development
Committing to excellence by establishing pride in the quality of service and in the quality of the downtown environment	- Create expectations of high quality urban design in the downtown and ensure that they are met - Give special consideration to the downtown for basic maintenance and cleanliness - Develop a culture of quality service in the downtown to provide customers with excellence in service and information

Strengthening our heart by establishing Portage and Main as the predominant celebration and gathering place in Winnipeg	- Redesign the Portage and Main intersection in a manner that celebrates its unique status - Open up the Portage and Main intersection to pedestrian use at street level
Celebrating our special features by recognizing and building upon those features that contribute to the downtown's character	- Build upon past initiatives that have helped establish the uniqueness of character areas in the downtown
Honouring our heritage and tradition by promoting the historical importance of the downtown	- Actively support the conservation of heritage structures in the downtown through the implementation of the "Heritage Support, Policy, and Programs" report - Take advantage of our unique history in developing innovative programming and activities in the downtown
Projecting a vibrant character by supplementing the physical aspect of the downtown with animation that enlivens the downtown and inspires participation	- Strengthen and enhance existing focal points and create new focal points in the downtown - Develop programs that promote street level activities in the downtown - Animate and promote the Winter City concept in the downtown - Create an attractive, festive-looking downtown environment

London, Ontario

Vision for Downtown:

"Our goal is to enhance the Downtown as a unique community and the heart of the City. The Downtown shall be a place where people are attracted to live, work, shop and play."

"The Downtown shall be the primary business office, institutional, entertainment and cultural centre for the City of London."

The City's Commitment:

The City and the Downtown Business Association agreed to significantly redesign Dundas Street, making the area more attractive, user-friendly and safer for pedestrians. These improvements have included new on-street parking spaces, new sidewalks, traditional street lighting, mid-block sitting areas and landscaping.

The Mayor's Downtown Action Team was formed to bring representatives of community interest

groups together to work toward a revitalized Downtown. As well, the City is pursuing the formation of a Downtown Development Corporation (DDC) as a key element in Downtown revitalization. This Corporation would be charged with coordinating, facilitating and initiating development projects in the Downtown.

The City's Official Plan establishes the Downtown as the primary office, retail, service, government, cultural and entertainment centre for the City and Southwestern Ontario. Policies that restrict large scale office space to the Downtown are a key element of the Official Plan.

The City has also aggressively pursued and implemented programs such as removing development charges for residential development in the Downtown, removing the zoning requirements for parking for Downtown residential developments, and establishing a program of rehabilitation and redevelopment grants.

Downtown Rehabilitation and Redevelopment Grant Program	Properties that are reassessed as a result of renovation, rehabilitation or redevelopment are eligible to apply for a grant based upon increases in municipal taxes. Three levels of grants are available: Level 1: Applies to Priority 1 buildings that are designated under the Ontario Heritage Act and are rehabilitated or renovated in such a way that would not compromise the architectural or historical integrity of the building. This will encourage the preservation of heritage structures in the downtown that are important to the identity of the City. Level 2: Applies to existing buildings that are rehabilitated or renovated to ensure their long term viability. Level 3: Applies to new buildings that are developed on vacant or cleared sites within the Downtown and is intended to encourage the redevelopment of vacant or under-utilized sites.
Facade Restoration Loan Program	This provides interest free loans of up to $25,000 to property owners to cover half the cost of eligible improvements. Loans may be increased an additional $5,000 if the property is designated under the Ontario Heritage Act. All facade improvements must conform to the London Downtown Facade Study Guidelines. Rear facades which are visible from the street may also qualify for assistance after the street facade has been improved. Exterior renovations which may qualify for assistance include restoration of the original

facade, repointing of masonry, window repair and restoration, and installation of appropriate signage.

Official Plan Policies

There are many policies designed to promote the continued development of the downtown core as the primary business, office, cultural and administrative centre for the City of London and Southwestern Ontario. The Downtown contains regionally significant office, retail, service, government and cultural facilities and is distinguished from other commercial areas in the City by its concentration of employment and intensive land use pattern. Official Plan policies encourage major office uses, hotels, government buildings, entertainment uses and cultural facilities which are of City-wide importance to locate in the Downtown. The scale of office development in suburban locations is restricted in order to direct large-scale development to the Downtown. Commercial policies encourage ground floor retail and service uses to a pedestrian-oriented shopping district. The importance of residential development is highlighted in the Official Plan. A full range of medium and high density housing types up to a maximum density of 350 units per hectare is permitted in the Downtown. Lands may be prezoned to allow for development to proceed quickly.

Residential Incentives

- to encourage the new development and / or redevelopment of vacant or underutilized sites for residential uses, development charges have been waived for five years.
- removal of all parking requirements for residential development from Z1 zoning by-law.

Retail Incentives

- the downtown area zone permits the broadest range of commercial and retail uses in the city. The DA1 zone has no limitation on the amount of area devoted to retail, making this one of the most attractive zones for development.
- the Downtown Rehabilitation and Redevelopment Grant Program will provide incentives to developers for the rehabilitation and / or redevelopment of buildings for retail use within the Downtown.

Office Incentives	- Official Plan objective is to concentrate the development of major office buildings within the Downtown - office developments are directed to the Downtown by restricting the size and intensity of office development outside of the core - incentives to developers for the rehabilitation and / or redevelopment of buildings for office uses
Entertainment Incentives	- Official Plan policies encourage community facilities of a cultural or recreational nature which have city-wide or regional significance to locate in the Downtown - specific uses such as art galleries and museums are directed to locate in the downtown - regulations restrict the amount of entertainment uses that can develop outside the downtown - incentives to developers for the rehabilitation and / or redevelopment of buildings for entertainment facilities within the Downtown

Regina

General Objective:

To promote the Downtown as the key element of City life containing the widest range of goods and services and the largest concentration of commercial employment opportunities for Regina residents.

Urban Environment	- that the Downtown shall be maintained and enhanced as the principal office and retail employment centre - that employment nodes outside the Downtown should be limited to local services, or uses which are otherwise inappropriate Downtown - to facilitate the development of pedestrian systems which respond to the unique characteristics of the natural and built environments, particularly in the Downtown - that the policies of the Downtown Plan regarding wind and shade impacts, public art displays, pocket parks, continuity of retail frontage in the shopping area and street enhancement shall be continued - that the city should consider the development of climate controlled walkways in the Downtown area - that major commercial facilities and parking areas, especially in the Downtown, should adhere to design principles which promote

	safety through public surveillance and adequate lighting levels in all areas
Transportation	- to provide transportation alternatives aside from the private automobile, particularly those serving the downtown - that the public transit system shall continue to be oriented around service to the downtown - that an inventory of public and private parking spaces in the Downtown shall be conducted and reviewed with respect to achieving a more desirable balance of use between Downtown employees and shoppers - that provision of long term public parking in the Downtown shall be limited to its periphery, and that incentives should be implemented that encourage new development to provide on-site short term public parking - that provision of long term parking should be discouraged in the Downtown in conjunction with the encouragement of transit use incentives for work trips - that the City shall improve and expand upon the provision of adequate public transit shelters, particularly in the Downtown and residential areas - that improvements should be made to enhance the use of bicycles as a means of transportation
Housing	- that the City should consider appropriate incentives to encourage new high density, affordable residential development in the Downtown - that the City should continue to maintain and improve public amenities in the Downtown area to attract new residents - that interest groups should promote designs which are sensitive to existing Downtown development
Heritage	- investigate the feasibility of designating certain areas as Heritage Conservation Districts
Economic Development	- promote the continued development of the Downtown as the City's primary business, office, retail, cultural and administrative centre - encourage the location of larger scale shopping centre development in the Downtown

Edmonton

"Downtown Development: Ensure that Downtown Edmonton is vibrant and alive - a magnet for business, commerce, and people, with unique and attractive residential districts, and diverse entertainment, recreational and cultural opportunities."

Key Recommendations of the new Downtown Plan:

Promote Economic Development	- eliminate duplication among downtown agencies - have partners become a unified force to implement the plan - hold economic forums every two years - conduct market research and implementing plans to promote downtown - recruit new business - develop a Downtown Research Centre
Support Commercial and Institutional Activities	- reinvest in Downtown to see it become a more popular, appealing and convenient destination for visitors and residents - encourage businesses to make improvements to storefronts and sidewalks - encourage government agencies to relocate to Downtown - bring cultural, governmental and educational institutions together in working partnerships - seeing Downtown build on its strengths as a centre for knowledge-based businesses
Encourage Arts, Culture and Entertainment	- create an Arts District - encourage artists to live and work downtown - display art in public places - enliven downtown buildings with wall murals - provide venues for downtown events and festivals
Build Downtown's Residential Population	- make streets more friendly - adding parks and public spaces and developing "urban village" centres in these neighbourhoods - provide development incentives for housing in the form of reduced amenity and parking requirements - create more residential zones - explore ways to ease provincial building code requirements - encourage the residential conversion of heritage buildings - market Downtown as a residential location - help downtown residents to build a stronger sense of

	community and open a community centre - establish a downtown community police station
Provide more Parks, Special Places and Open Spaces for Recreation	- develop parks throughout Downtown - create park space on rooftops and in other innovative spaces - convert surface parking lots to pocket parks
Change Downtown's Transportation System	- convert one-way streets to two-way streets and slow the pace of traffic within Downtown - promote a "transit first" policy - improve bus stops and encourage downtown workers to use public transit - operate a tourist attraction shuttle bus - create a downtown bike route system - develop a new community transit network for Downtown and the central area
Improve Pedestrian Circulation	- create pedestrian-friendly streets and zones - link important destinations - provide more street level access to major complexes - create mid-block pedestrian crosswalks - make streetscapes more interesting - improve downtown signage
Improve Parking	- add meter parking near shops and businesses - reduce meter rates and extend meter durations - provide two hours of free parking on Saturdays and free parking starting at 5 p.m. on weekdays - relax enforcement - promote short-term parking - streamline parking management responsibilities - encourage employees to take transit and leave parking spaces for customers and clients
Improve Urban Design Standards	- adopt new guidelines that will enhance the quality of downtown development - enhance Downtown's appearance, comfort and safety - improve the design and safety of parking lots and parkades - bring out the character of Downtown's neighbourhoods - create gateways into Downtown and provide high quality landscaping along major roadways - develop streetscapes and special places

Preserve Architectural Heritage	- encourage government agencies to locate their offices in heritage buildings - support heritage preservation policies
Protect the Natural Environment	- support a tree planting program - monitor and reduce air, water and noise pollution in Downtown - promote 4R programs to reduce waste - ensure all activites undertaken under the Downtown Plan meet environmental regulations

Ottawa

Vision:

In the future, the Central Area will remain as the thriving business and employment centre for the Region while serving as the symbolic, political, and ceremonial heart of the nation. At the same time, Ottawa's downtown will emerge with its own unique identity characterized by the quality of its architecture and its pedestrian environment. The role of the Central Area as a people place with day / night, year-round activity will largely be realized through the protection of residential neighbourhoods in and near the Central Area, and also through its function as the focus of shopping, arts, culture, entertainment, and tourism within the region.

Recommendations:

1. Identify Centretown as a corporate priority with a review to be undertaken after three years.

2. Establish a development body. The purpose of the private/public partnership will be to facilitate and promote additional residential development and to preserve and promote existing commercial development in Centretown within the provision of the Official Plan.

3. Immediately implement the internal organizational and administrative changes to facilitate the development application process within Centretown with a customer service focus.

4. Consider and evaluate suggestions relating to parking and land use issues which will result in an increase of residential units and population in Centretown; and that a report be brought back to City Council on the assessment and feasibility of such suggestions.

5. Encourage and facilitate three types of innovative residential demonstration projects in Centretown:
   - medium or high density residential development with a flexible zoning provision provided that the development is within the existing height limits
   - low-rise renovation, rehabilitation or infilling residential development with a flexible

zoning provision

6. Initiate a partnership arrangement with the private sector in a joint development accessing the currently available and permissible financial incentives.

7. In conjunction with the Carleton University School of Architecture and/or other interest groups, sponsor a community project on the design and implementation of a plan for the gateway(s) entering into Centretown.

8. Make traffic-calming, public transit advocacy and promotion, traffic demand management, the development of a better pedestrian and cycling infrastructure, and other pro-active strategies for reducing car use and volumes of traffic travelling through Centretown a departmental priority and allocate and re-assign staffing resources required to carry out these alternative transportation priorities.

9. Undertake a pro-active strategy for implementing the by-laws and policies that are needed to create a healthier community environment. Such measures will incorporate tree planting and urban environmental conservation; increased safety and security; noise abatement; public participation in planning decisions, and community services.

Montreal

The major objective:

"Over the next few years, the District must be further enhanced, yet remain a pleasant place for Montrealers to live, stroll, work, play and shop in. And for non-Montrealers, it must become a stronger pole of attraction. The Master Plan proposes means for doing just that."

Encourage the growth of office activities as a spur to the district's development

- encourage construction of 1,000,000 square metres of office space over the next 10 years

Fully exploit the district's residential potential

- build 10,000 new housing units within the next ten years
- preserve existing residential neighbourhoods
- ensure a diverse mix of residents
- create quality residential environments

Reinforce the district's importance in retailing for the metropolitan area

- confirm Sainte-Catherine Street as the main commercial artery in the Greater Montreal

Area
- promote retail development on various streets in the Ville-Marie District
- enhance and improve commercial streets
- ensure that indoor shopping malls are integrated with other commercial buildings on the street and discourage the construction of underground malls

Maintain the current level of industrial activities

- maintain manufacturing activities compatible with other uses in the district
- ensure integration of industry into the urban environment

Expand the district's cultural role

- consolidate and extend the range of cultural facilities
- increase cultural activities in the district and make them more visible
- encourage artists to live in the district

Support expansion of higher education and research facilities

- develop a mechanism with which the City may cooperate with the universities, hospitals, Cegeps and other institutions

Develop Montreal's international character

- confirm Montreal as a home for international activities
- increase Montreal's potential as a centre for international activities

Make the district more attractive for business travellers and tourists

- increase and diversify services for visitors
- reinforce the Ville-Marie District's tourist attractions

Revitalize street life

- complete the network of streets and public spaces through improvement of their components
- ensure continuity of buildings in relation to streets and public spaces

The improvement and enhancement of the river and the mountain

- provide satisfactory links between the Ville Marie District and the mountain and the river
- accentuate views of the mountain and river
- maintain Mount Royal's prominent position in Montreal's skyline

Protecting and enhancing architectural heritage

- protect areas and buildings with exceptional and interesting heritage value
- improve and make the public aware of the Ville-Marie District's built, archaeological and natural heritage

Access for people

- encourage use of public transit and discourage automobile use during rush hours
- optimize use of parking spaces in the Ville Marie District
- ensure pedestrian comfort and safety
- facilitate bicycle access and travel
- improve the street system in specific locations
- improve efficiency in delivery of merchandise

SCHEDULE 5

STATUS ON IMPLEMENTATION INITIATIVES FOR
STRONG MEDICINE...A PRESCRIPTION FOR THE HEART OF HAMILTON-WENTWORTH

Strong Medicine Recommendation	Progress and By Whom
1. Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting one or more major US retailers without a significant presence in Ontario, and enlist municipal leaders in that effort.	Economic Development Meeting with Key Retail
2. Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and *loft* apartments.	Approached owners of Lister Block H.H.H.B.A. doing!
3. Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial *back office* functions.	Met with Bell - in place downtown. will help mandate
4. Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.	Economic Development Action, some progress with respect to conventions ⇒ unsure of status
5. Make parking lots part of the solution to the problems of Downtown, not one of its major symptoms. Combine licensing and redevelopment incentives for commercial parking lots to promote their early redevelopment and to discourage further demolitions leading to more vacant parking lots.	Remove parking requirements downtown. Add more meters on roads. Meter Board looking at.
6. Take the side of the retailers and the hospitality industry in tax assessment matters. Use the resources of the municipalities to <u>support</u> the efforts of retail and hospitality businesses to reduce their property tax obligations, including assessment appeals.	To be addressed by Provincial Reforms
7. Expand the range of tax-exemptions for public and cultural institutions, to promote their continued ability to operate economically Downtown.	To be addressed by Provincial Reforms
8. Work with landlords to recruit short-term commercial tenants to vacant properties, especially those with street-exposure.	Meeting with key staff owner on ad hoc basis.
9. Sponsor block-by-block business meetings of in-town and out-of-town landlords, and with the Hamilton Parking Authority, with a view to stimulating redevelopment proposals on underutilized sites throughout the Downtown.	Meeting with key staff owner on ad hoc basis. Homebuilders (H.H.H.B.A.) are meeting with Stakeholders in block by block basis
10. Over the next twelve months, *option* four or five properties with a high redevelopment priority for the Downtown, and prepare investment prospectuses for presentation to identified potential investors. The investment prospectuses would highlight commercially attractive features, such as a commitment to include Regional Municipality office space, to relax parking requirements, and so on. 11. Improve the physical/pedestrian links between key areas of Downtown: between Hess Village and the Convention Centre; between James Street North and the Eaton Centre area; and, between Theatre Aquarius/Broadway and King Street East.	City place $700,000. commitment to a new residential / commercial property at King & Walnut. Number of on-street parking spaces doubled; price halved; enforcement relaxed. Initiatives of Region to locate offices in Eaton Centre and Right House $1 million City investment for 1997
12. Develop plans to *open up* Summers Land, the Eaton Centre and Jackson Square, each of which lacks much the positive street-level presence on which Downtown vitality depends.	No action to date opportunities for Capital $$$ in 1998 - 2000 as follow-up to #11
13. Move ahead with the commitment to locate the headquarters of the Philip group of companies in Downtown.	In Stelco

14. Explore a limited two-directional street system for King Street between Ferguson and Queen, and examine the potential for generating more customer traffic by making James Street North a northbound, rather than southbound, street.	Meeting addressed downtown transportation plan now underway
15. Consider a distinctive, no-charge Downtown *beltway* shuttle bus, modeled on the experience of Denver.	No action but will be considered as part of Downtown non spent action study
16. Revive proposals for a light-rapid transit facility to connect the Downtown with the Harbour and the Mountain, and view it as a development vehicle, not solely a transit measure.	No action but will be considered as part of Downtown non spent action study
17. Negotiate a Downtown transit pass for McMaster and Mohawk students, as part of their annual activity fee.	One for Mac being discussed with Mohawk for 1998
18. Consider closure of some portion of the south leg of King Street East, between James and Hughson, to create a pedestrian concourse.	Enhanced utilization of south leg undertaken through street scaping. Closure of "leg" considered but rejected
19. Authorize universal no charge 3-hour parking in all or most municipal lots, to be effective for the 1996 Holiday season.	No action ⇒ commencing parking limitations through parking authority to be in 1998 work program
20. Define the Downtown as a separate neighbourhood for land-use planning purposes.	
21. Heritage preservation should focus on creative re-use and facade preservation, rather than simply preventing demolition or acquisition of buildings by public authorities.	Gore Heritage Study
22. Main Street should be developed as Hamilton-Wentworth's institutional address, including extensive floral plantings and decorative street hardware, and the elimination of portable and oversized signage wherever possible.	No action to date
23. As a lever to redevelopment, Regional Municipality office space should be relocated to strategic downtown locations wherever feasible, on an aggressive timetable. If appropriate, the decision to relocate the Region's headquarters to the Court House should be reconsidered, especially if a major new corporate or institutional entity could be recruited to Downtown by leasing that property.	Relocating Regional Office to Woolworths and Eaton's Centre
24. Consideration should be given to proposals developed at the Architects' Charette for the redevelopment of the interior of lots on streets parallel to major arteries, such as King William.	H.H.H.B.A. has delayed proposals
25. Promote the consolidation of southern Ontario Federal and Provincial regional or field operations into the Ellen Fairclough Building as Regional Municipality tenants vacate.	Should be undertaken as a result of other initiatives
26. Develop strategic alliances for the marketing of Downtown entertainment and cultural assets, both within the community, and beyond to Southern Ontario and Western New York, with special emphasis on profitability and external tourist market potential.	Done on regular basis by Economic Development
27. Encourage the Art Gallery to initiate a major reservation-ticket exhibition with commercial marketing potential.	No action? Has tried free admission for May
28. Prepare a new NHL franchise proposal, based on the concept of creating a Second Division NHL group of teams.	Attempted to get N.H.L. Franchise, have A.H.L. Franchise
29. Limit any public investment in destination attractions to modernizing existing assets and to limited-exposure joint ventures with adequately funded commercial sponsors.)	Done - working on Canadian Music Hall of Fame

30. Explore with the Hamilton Halton Homebuilders, the possibility of expanding their recent initiative into the creation of a full-scale neo-traditional neighbourhood on underutilized lands adjacent to the Downtown.	Entered into partnership with H.H.H.B.A.
31. Hire a Downtown Co-ordinator with responsibility to follow-up on the actions outlined in the Downtown Partnership Strategy and the directions of the Downtown Partnership, once established. The Co-ordinator would be a full-time advocate for the Downtown, operating at arm's length from municipal authorities, but with the support of municipal resources. The Co-ordinator would bring commercial real estate, architectural design and marketing skills to his or her task.	Interim Co-ordinator appointed ⇒ full Time Co-ordinator is being considered
32. Municipalities should use exemptions or waivers of fees/conditions strategically, as redevelopment negotiating tools or to promote targeted activity. Since undistinguished blanket exemptions apply equally to desirable developments, to "undesirable" developments and to developments that would have occurred in any event, they leave little further scope for municipalities governed by "no bonusing" limitations. While good for marketing purposes, further blanket exemptions should be carefully evaluated before they are undertaken.	Done for Development Charges - 5% Parkland Fees - All Planning & Building Fees
33. Create a separate Downtown current and capital budget within the overall budgets of the Regional Municipality and the City of Hamilton, in order to allow priorities to be established and work to be more effectively co-ordinated. For 1997, municipal budgets should invest significantly in a continuation of the successful floral program within the Downtown, and to target street-scape and boulevard improvements in strategic locations in and around the Downtown.	1997 City Capital Budget $2 million + Budget for Ferguson Avenue with City - $780,000 million for infrastructure improvements

DOWNTOWN INITIATIVES

Planning and Development Department
September 10th, 1997

PROJECT	STATUS
Hamilton Homebuilders Association	HHHB made presentation to City and Regional Council at end of April to request $8,000 for Phase 1 investigation and feasibility study. This was approved. Agreed to form task force with Aldermen, to provide regular updates of initiatives. HHHB will receive more money, based on completion of various components of work, up to total of $180,000. Are working with groups to bring them downtown eg. Aragon, King Medical Centre, etc. They have drafted a generic development plan. Next step is to identify areas and encourage development to occur.
City Places	This is City Housing Department project for work/live housing units on Ferguson at King William. Received Capital Budget approval for $700,000. Demolition has started of existing buildings on site; application for minor variances and site plan approval have been submitted.
Restore the Gore Streetscaping Improvements	Capital Budget funds approved for streetscaping, lighting and street furniture improvements, totalling $2.5M. Of this, $200,000 will be for Gore 2000 program for facade restoration. Region approved $2M to assist City in 1997, for updating infrastructure.
Downtown Partnership	Mark Mascarenhas, Interim Co-ordinator, met with Task Force Chairs Ed Fothergill (Strategic-Planning), Al Peckham (Business Development) and Gerry Attard (Marketing). Partnership members have not yet been appointed. In the interim, Task Forces are starting to work. The Strategic Planning Task Force has begun work on a detailed Plan, undertaken efforts to consolidate work on the downtown to date, and is preparing an interim report.

SCHEDULE 6

BIA Banners	New banners have been put up for BIAs, using fountain logo. Downtown Initiatives Committee agreed to use fountain silhouette as logo in all downtown materials.
Development Incentives	All Planning and Building related fees are to be refunded for downtown development for a 3 year period.
Downtown Transportation Plan	Transportation Plan is approved with $100,000 set aside for undertaking plan entitled "Smart Moves". Work with staff and stakeholders is now underway.
Two-Way Streets	Referred to Region to be addressed as part of Transportation Plan.
Gore Park Summer Programming "Positively Downtown"	South leg of King Street was closed for the summer of 1997. Buses were relocated to Rebecca Street. Summer activities included Library programs, puppets, stars in sidewalk. Farmers Market had booths there on non-market days. Lots of musical programs. Brochure was printed and distributed on events. A review of the success of the program will be undertaken.
Mural Program	$69,000 in funds allocated. Cheryl York (Culture and Recreation) and Hazel Milsome (Community Development) are identifying sites; four sites to be identified, in north, south, east and west quadrants. Hope to recreate Art Gallery works with murals on Hamilton.
Downtown Coordinator	Funds in Capital Budget include $60,000 each from City and Region and $60,000 from private sector, to set up an office and hire a coordinator for one year. No private funds received yet, maybe after Downtown Partnership set up. Mark Mascarenhas has been appointed interim co-ordinator.

Parking Initiatives	Working with Region and Parking Authority to provide parking opportunities for affordable, accessible parking in the downtown. Additional meters provided on King St, and is currently under investigation for other downtown streets. 2 hours free parking provided for York St. Parkade.
Zoning Initiatives	Removal of lot area requirements for residential units. Removal of parking requirements for residential uses.
Alleyway Improvements	Improved alleyway, garbage clean-up with 2 per week, and new garbage receptacles.
Gore Heritage Design Study	A study of the revitalization of buildings in the GORE, based on heritage theme.
Student Bus Passes	McMaster student bus passes approved, to provide unlimited bus use for students, at a fraction of cost. Price to be added to student activity fees. Also investigating similar passes for Mohawk students and downtown employees.
Casinos	By-law was amended to restrict charity casinos to the downtown area, within limited core district. Province has short listed operators, which are expected to be approved this Fall.
Encroachments	City is investigating changes to regulations on encroachments, to make it easier for property owners to set up a table to sell goods, have outdoor cafes.
Downtown Energy System	Staff meeting with Federal Government about creation of a downtown energy system. This would use waste heat from Stelco, to provide energy to downtown area. A feasibility study is to be done. Cost shared by Province, City and Federal Government.

Policing	Downtown Initiatives Committee working with Police to encourage provision of additional security downtown.
Gore 2000	Matching Grant Program for heritage building facades, signs and canopies in the Gore Area. $200,000 committed for grants up to $25,000 per building.
Convert-to-Rent Program	Low interest loan program to encourage the conversion of non-residential space, or improve various residential space in the downtown.
Specific Development Proposals	Spallaci Development - King Street East; DeSantis Project, Main and Hughson; New Provincial Court House; Go Centre; Urban Core Health Centre; Bank of Montreal; Woolworths - Regional Community Services Offices; numerous inquiries.
Downtown Visioning	G. Longo to facilitate Downtown Visioning exercise in October with participation from all stakeholders.
Ambassador Program	Partnership funds to establish a program to hire youth to act as downtown "ambassadors".
Federal Offices	Federal Government is looking for new downtown offices and to combine all Hamilton offices into one downtown location.
Market Survey	Survey of the number of market users was undertaken by International Village B.I.A. Additional surveys to be undertaken this Fall.
Eaton Centre Initiatives	City is working with Eatons Centre to provide free parking, a new pedestrian link to the Market and Regional Offices to be relocated to the 3rd floor.

BIA Surveys	1. International Village BIA has undertaken a survey of Hamilton residents' thoughts on the downtown. The results are expected shortly. 2. Downtown BIA has undertaken a survey of downtown employees.
Social Services	Working with Community Services Department to address social services needs in the Downtown. The need for youth housing or centre and the consolidation of programs has been identified.

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Hamilton Downtown Partnership
Strategic Planning Task Force
Proposal for Staff Budget

Introduction

During the months of July and August, the Strategic Planning Task Force received assistance in its efforts from Mr. Michael Cole, a student completing his Masters in Planning Program at Queen's University. Mr. Cole's work proved to be extremely valuable and was instrumental in the Task Force being able to accomplish as much as it has in a short period of time.

In looking forward to the work program outlined by the Task Force, it is clearly apparent that the services of a planner are required to spend approximately two days per week assisting their objectives. This may not include two solid working days every week, however the budget should be structured to include 14 hours of time per week for input from the planner over the next nine months. There are two options to consider in fulfilling this requirement.

Option 1

The preferred option is to have a planner from either the City or Regional planning department selected to undertake this responsibility. For the 14 hours of time per week, this planner would work under the direction of the Chairman of the Task Force, who, in addition to providing supervisory responsibilities, would also provide office space as required. It is important that the function of this planner remain under the direction of the Chairman of the Task Force as there can be only one coordinator responsible for the preparation and completion of the Task Force objectives.

Under this option, all costs associated with this person would be the responsibility of the Downtown Partnership who would negotiate this cost with either the City and/or Regional planning department.

The tasks to be performed by this individual are outlined in Appendix A attached to this report.

APPENDIX A

JOB DESCRIPTION

- assist in ongoing research
  - other examples of downtown development
  - ongoing work with planning department
    - research, data assembly, etc.
- assist with questionnaires
- coordination of work programs
  - Mohawk College
  - McMaster University
- ongoing communication program
  - newsletter
  - correspondence
  - ongoing contact with stakeholder groups
    - attending meetings - BIA's, CAPIC, Homebuilders, etc.
- monitor ongoing activities in downtown
- act as Interim Secretary for Strategic Planning Task Force
  - attending meetings
  - preparation and distribution of minutes and other information to Task Force members
- be available to assist individual members of Task Force in completing assigned tasks
- assist in organizing public meetings, open houses
- assist in preparation of Report

Option 2

The second alternative is to consider a planner for the same period of time to undertake the same responsibilities as outlined in Appendix A to this report. Under this option, the planner would be retained as an outside consultant and would work under the direction of the Chairman of the Task Force.

The costs for this option would be $30.00 per hour times 14 hours per week, to equal $420.00 per week. This translates into a cost of $1820.00 per month, or $!6,380.00 for the nine month period. It is proposed that the contract begin October 1, 1997 and run to June 30, 1998.

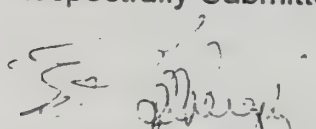
Under this option, in addition to supervisory responsibilities, the Chairman would also provide office space and other technical requirements of the individual for 14 hours per week over the next nine months.

Summary

Each of the Task Force members has and will contribute a substantial amount of work on this project. Each member has been assigned specific responsibilities and is expected to assume an ongoing and active role throughout the process. Notwithstanding this contribution, it is imperative that outside assistance be provided to the Task Force. The size and complexity of issues involved requires that a necessary amount of time be put into the project so that a useful product can be generated. The simple review of existing documents was a two month long process. Once the Task Force finishes its data collection by the end of the year, there will be a tremendous amount of work required to assemble that information into a comprehensive and meaningful policy document.

I look forward to continuing with the work program of the Task Force and the completion of our report in the spring of 1998.

Respectfully Submitted,



E.J. Fothergill, M.C.I.P., R.P.P.
Chairman, Strategic Planning Task Force

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: 1997 September 26
ZAC-97-26

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and change in zoning - 220 Dundurn Street South

RECOMMENDATIONS:

A. That approval be given to Official Plan Amendment No. to redesignate the subject lands from "Major Institutional" (front portion of the site) and "Open Space" (rear portion of the site) to "Residential" as shown on the attached marked as APPENDIX "A", for the property municipally known as No. 220 Dundurn Street South, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application 97-26, Alexander Street Lofts Development Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District modified, to permit the conversion and expansion of the existing building for 60 apartment units, for the property located at No. 220 Dundurn Street South, shown on the attached map marked as APPENDIX "B", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon completion of a noise feasibility study, a study demonstrating the development will not be adversely affected by noise, odour, dust and vibration and the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment and Energy. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

ii) That the subject lands be rezoned from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" (Low Density Multiple Dwellings, etc.) District;

iii) That the "DE" (low Density Multiple Dwellings) District, as contained in Section 10A of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1) That notwithstanding Section 10A(2), the height of the building shall not exceed 4 storeys and 18 m;

2) That notwithstanding Section 10A(3), additions over the existing foundation shall maintain the existing front and side yard setbacks;

3) That notwithstanding Section 18(4)(ii), two accessory structures, for the exclusive use of people residing at No. 220 Dundurn South, shall be permitted provided that:

A. One accessory structure, not exceeding 165 m^2 in area, may be used for the purposes of storage, a garden shed, and woodworking area; and,

B. One accessory structure not exceeding 275 m^2 in area, may be used for the purposes of storage, locker/change room, washroom facilities, and amenity area.

4) That notwithstanding Section 18(4)(iii), the height of an accessory structure shall not exceed 6.0 m;

5) That notwithstanding Section 18 (4)(iv), a minimum 9.0 m southerly side yard setback shall be provided and maintained for an accessory structure;

iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-23 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council;

vi) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

vii) That upon finalization of the implementing zoning by-law, the Kirkendall Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" (front portion) and "Open Space" (rear portion) to "Medium Density Apartments".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District, modified as shown on the attached map.

The effect of the By-law is to permit the conversion and the expansion of the existing building for 60 apartment units.

In addition, the By-law provides for the following variances as special requirements:

- to permit additions over the existing foundation to maintain the existing southerly and northerly side yard setbacks of 0.0 m instead of the required 3.0 m, and a front yard setback of 1.5 m whereas 6.0 m is required.

- to permit a height of 4 storeys and 18 m, whereas the by-law permits 3 storeys and 11 m in height;

- to permit two accessory structures having a maximum of 165 m^2 (1,766 sq.ft.) and 275m^2 (2,960 sq.ft) respectively, whereas the by-law permits one accessory structure of 67 m^2 (720 sq.ft.);

- to allow the use of the accessory structure for storage, locker and change rooms, etc. and amenity area by residents living at No. 220 Dundurn Street South; and,

- to permit the height of the accessory structure to be 6.0m, whereas the by-law permits a height of 4.0 m;

- to require a 9.0 m setback from the southerly lot line for an accessory structure whereas the by-law requires 3.0 m.

In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon the completion of the above noted conditions. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The proposal is to convert and to expand the existing building for 60 condominium apartment units. The majority of the existing building is 3 storeys in height except for a one storey portion on the south side of the property and a two storey portion at the rear of the building. An additional storey will be built to bring the total height of the whole building to four storeys. This fourth storey will be used for a roof deck and access to the roof deck.

The units on the first and second floor will be one storey units and the third floor units will be two storeys, which includes the roof top deck. The units range in size from to 91 m^2 to 290 m^2 (978 to 3,122 sq.ft.). There are 51 studio and one bedroom units, and 9 two bedroom units. There will be units on the ground floor that may have individual entrances from Dundurn Street South.

Parking will be provided both behind the building and within the building.

The amenity area in the rear of the building includes two accessory structures for the exclusive use of the people who live at 220 Dundurn Street South:

- a garden shed (165 m^2) which will contain a greenhouse, wood working area and storage area; and,

- swimming pool clubhouse (275 m^2) which will contain a party room, kitchenette, change room for the pool, washrooms and storage area.

The total landscaped area is approximately 4,849.7 m^2 (52,280 sq.ft)

LOT SIZE AND AREA:

The subject lands have:

- 76.27 m (334.64 ft.) of frontage on Dundurn Street South;

- 138.9 m (456.0 ft.) of depth; and,

- 12,262.41 m^2 (3.03 acres) of lot area.

APPLICANT:

Alexander Street Lofts Development Corporation Inc., prospective owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Warehouse and vacant	"D" (Urban Protected residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	Industrial, residential Mixed Commercial/residential Uses	"K" (Heavy Industrial, etc) District
to the east	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District
to the west	CP Railway Tracks and Industrial uses	"K" (Heavy Industry, etc.) District
to the south	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District "H"

OFFICIAL PLAN:

The front portion of the site is designated MAJOR INSTITUTIONAL and the rear portion of the site is designated OPEN SPACE on Schedule A - Land Use Concept to the Official Plan.

The following policies should be noted:

"A.2.4.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

However, such uses less than 0.4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

In accordance with Policy A.2.4.1, residential uses are not permitted in an OPEN SPACE designation. An amendment is required to redesignate this portion of the site to RESIDENTIAL. The Official Plan allows residential uses within the MAJOR INSTITUTIONAL designation. However, since the rear lands require an amendment to the Official Plan, it is appropriate to redesignate the entire site to RESIDENTIAL which is its intended use.

NEIGHBOURHOOD PLAN:

The lands are designated "Civic and Institutional" and "Park and Recreational" in the approved Kirkendall Neighbourhood Plan. A redesignation to "Medium Density Apartments" is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department (Development Division) has reviewed the application and has advised that:

  "1. The existing road allowance widths of Dundurn Street and Chatham Street is 20.12m and we do not anticipate any further road allowance widenings at this time.

  2. The building location on the site plan submitted with this application does not conform to the building survey plans submitted with the application and the plan should be revised accordingly. The survey plan also indicates that the westerly portion of the site is subject to an easement and right-of-way and the status of these should be determined since they may impact the proposed development.

  3. We require minimum 3m by 3m (prefer 5m by 5m) visibility triangles between the access and the Chatham Street road allowance in which the maximum height of any objects or mature vegetation is not to exceed 0.60m above the corresponding perpendicular centreline elevation of Chatham Street.

  4. Due to the grade separation on Chatham Street to the west of the subject lands, access to this property must be to the east side of the lot.

  5. Any works which may occur within the Dundurn Street or Chatham Street road allowances must conform to the respective Street's By-Laws.

  6. We recommend that the subject lands be developed under site control at which time detailed comments with respect to access, grading, landscaping, street tree planting, etc. will be submitted."

- The Department of Public Works and Traffic has "reviewed the proposed Official Plan Amendment and ZAC 97-26 and find it satisfactory."

- The Building Department has advised that:

"1. Maximum number of stories permitted is three (3), which includes basements and penthouses.

2. New additions require 6.0m front yard, 3.0m side yard, and 7.5m rear yard. Does not appear that the minimum 3.0m side yard can be met. No dimension to front yard indicated.

3. The proposed and required 73 parking spaces shall have a minimum size of 2.7m x 6.0m complete with a 2.7m x 6.0m manoeuvring space, except for the 3 proposed parallel parking spaces which must be a minimum of 2.5m x 6.7m with a 3.7m minimum manoeuvring space.

4. No dimension shown for any parking or manoeuvring areas.

5. The proposed 58 unit multiple dwelling requires one 18.0m x 3.7m x 4.3m high loading space.

6. The boundary of the parking area adjoining the residential district to the southern lot line shall be 1.5m from the adjoining residential district and landscaped with a planting strip. A visual barrier of not less than 1.2m in height and not greater than 2.0m in height shall be provided.

7. The proposed parking area requires the access drive to be a minimum of 5.5m in width, with markings of the surface of the parking area delineating the separate parking spaces and bumpers or wheel barriers.

8. The required visitors parking shall have a sign, appurtenant thereto, legibly marking the parking spaces to be used by **VISITORS ONLY.**

9. The parking areas are required to be graded, drained and paved with concrete or asphalt.

10. The two principle buildings on one lot are not permitted.

11. The inground pool, located in the rear yard, must be a minimum of 3.0m from the Chatham Street lot line. No dimensions indicated.

12. At least one quarter of the area of the lot shall be landscaped. Please note that the areas used for parking space, manoeuvring space, access or egress driveways, swimming pool, or any space beneath, within (interior garden court) or on the roof (decks) shall not be considered as the required landscaped area."

- The Regional Environment Department (Planning Division) has advised that:

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton–Wentworth Official Plan.

The subject lands contain an existing building which was previously used for an industrial purpose (i.e. knitting mill, warehouse & storage facility), where potential exists of site contamination. Since

residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P. (Policies previously attached).

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the proposal for residential development is located on lands containing an existing building that was previously used as a knitting mill, warehouse and storage facility, which has potential for having site contamination, and is adjacent to an active railway line, a major arterial road and industrial area with potential noise and/or odour impacts, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns

1.1 Developing Strong Communities

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided;

1.1.3 Long term economic prosperity will be supported by:

g) planning so that major facilities (such as transportation corridors and industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

With respect to this particular policy pertaining to Land Use Compatibility, the minimum separation distance between a sensitive land use and a Class I industry is 20 metres, and the minimum separation distance between a sensitive land use and a Class II industry is 70 metres. The proposed residential development appears to be greater than 20 metres, but less than 70 metres from industrial properties to the north and west. The proponent should investigate and determine if said industries are Class I or II as specified in the *MOEE Manual of Guidelines and Procedures, Part D, Land Use, "Guideline D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses"*.

3 PUBLIC HEALTH AND SAFETY

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Also, since the subject lands are adjacent to an active Canadian Pacific Railway line, comments should be obtained from the Canadian Pacific Railway, with respect to any required conditions CP Railway may request for the proposed development.

Therefore, approval of this application (i.e. lifting of the holding zone) be conditional upon the following:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

   Should the noise feasibility study demonstrate the potential for significant noise impacts, submission to the satisfaction of the Region of a detailed acoustical report prepared by a qualified professional, with said report containing the recommended noise control measures.

4) In the event that the proposed noise control measures do not fully achieve the Ministry of Environment and Energy's recommended sound level limits for residential land uses, and a slight noise level excess remains, that the owner agree to register on title the following noise warning clause for all proposed residential units:

   "Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants".

- CP Rail (No comments to date)

- Heritage Planning has advised "the building a former hosiery mill dating back to 1929, is included on the City's Inventory of Buildings of Architectural and/or Historical Interest. Staff supports the adaptive reuse of the building."

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved, an Official Plan Amendment is required to redesignate the subject lands from MAJOR INSTITUTIONAL (front portion of the site) and OPEN SPACE (rear portion of the site) to RESIDENTIAL.

2. The proposal, if approved, would require an amendment to the approved Kirkendall Neighbourhood Plan from "Civic and Institutional" and "Park and Recreational" to "Medium Density Apartments".

3. The proposal has merit and can be supported for the following reasons:

   i) it complements and would be compatible with the mixed use nature of the Dundurn Street area which is characterized by commercial and residential uses predominantly;

   ii) it provides for the adaptive reuse of an existing former industrial building;

   iii) it is located in close proximity to services such as shopping, public transit, highway access, etc;

   iv) it will be an improvement to the existing site including the renovation of the building, additional landscaping and a parking area along Chatham Street; and,

   v) it provides a new form of housing (ie. loft style apartments) that are not readily available in the Hamilton market.

4. A number of variances are required to support the proposal. They include:

   Yards (Section 10A(3))

   The by-law requires 3.0 m side yards and a 6.0 m front yard. The existing building does not meet the current yard requirements. The proposed four storey addition (south side of building) on the existing foundation will maintain the existing side yard setbacks which range from 0.0 m to 3.0 m (see Appendix "C") and front yard setback of 1.5 m. The lot line is irregular in shape which has resulted in a portion of the building being located on the southerly lot line. However, the majority of the building provides a 2.8 m setback along this property line.

   With respect to the north side yard, the fourth storey will be built on the existing building and therefore a variance is required to the side yard setback.

   The variance to the yards can be supported for the following reasons:

   - it is an existing building which other than height, is not changing;

   - the shadows are cast in a northerly direction, thereby minimizing impacts on the residential uses to the south;

   - the south lot line is irregular in shape which has resulted in a small portion of the building having a 0.0 m setback whereas the majority of that building can provide a side yard of between 2.8 and 3.0 m;

   - there is no impact on the land uses to the north since they are industrial/commercial. In addition, these uses are separated from the subject site by Chatham Street; and,

- the proposed fourth storey addition on top of the existing building.

Height (Section 10A(2))

The "DE" district has a height restriction of 3 storeys and 11 m. The proposal is to add a fourth storey for the purposes of a roof top deck and garden access to them. The actual physical addition will be restricted to the centre of the buildings since the decks will be located towards the exterior of the building. This variance can be supported, on the basis it provides for an opportunity for different dwelling types (2 storey apartment). Further, the bulk of the fourth storey addition will not impact on neighbouring properties. The shadows cast are in a northerly direction and therefore, it will not impact on the residential uses to the south. In addition, the railings for the roof top deck will be set back from the face of the building.

Accessory Structures (Section 18(4))

The zoning by-law permits one accessory structure of 720 sq.ft with the height of 4 m (13 ft). Generally, amenity areas (party/meeting room, recreational facilities) are contained within the apartment building. The applicant proposes to centralize the amenity area around the outdoor pool proposed in the rear yard. The garden shed (165 m^2) and the swimming pool clubhouse (275 m^2) will be for the sole use of the people living in the apartment building. The height of the structures is proposed to be 6 m (20 ft.).

For the purposes of providing an adequate buffer between an accessory structure and the residential uses to the south, the accessory structures are proposed to be a minimum of 9.0 m from the south lot line whereas the by-law requires a 3.0 m setback.

The variance to the number, the height and the size of the structures can be supported since the amenity area will be centralized around the pool; there is a large rear yard that can accommodate both the structures and a generous landscaped area (40% of the lot area) and there will be a minimal impact on the surrounding land uses (i.e industrial, railway, residential). In addition, the proposed 4.5 m setback from the southerly property line will provide buffering for the residential properties to the south.

5. The proposal will require the use of the 'H' (holding) Symbol. Since the lands were formerly used for industrial purposes, the Region has requested a Record of Site Condition to ensure the appropriate remediation work for the contaminated soils has been undertaken. In addition, the site is in close proximity to rail lands and industrial uses, a noise, vibration, dust and odour studies will have to be conducted to the satisfaction of the Region. Once these two conditions have been met the 'H' symbol will be removed; thereby, giving effect to the "DE" District regulations.

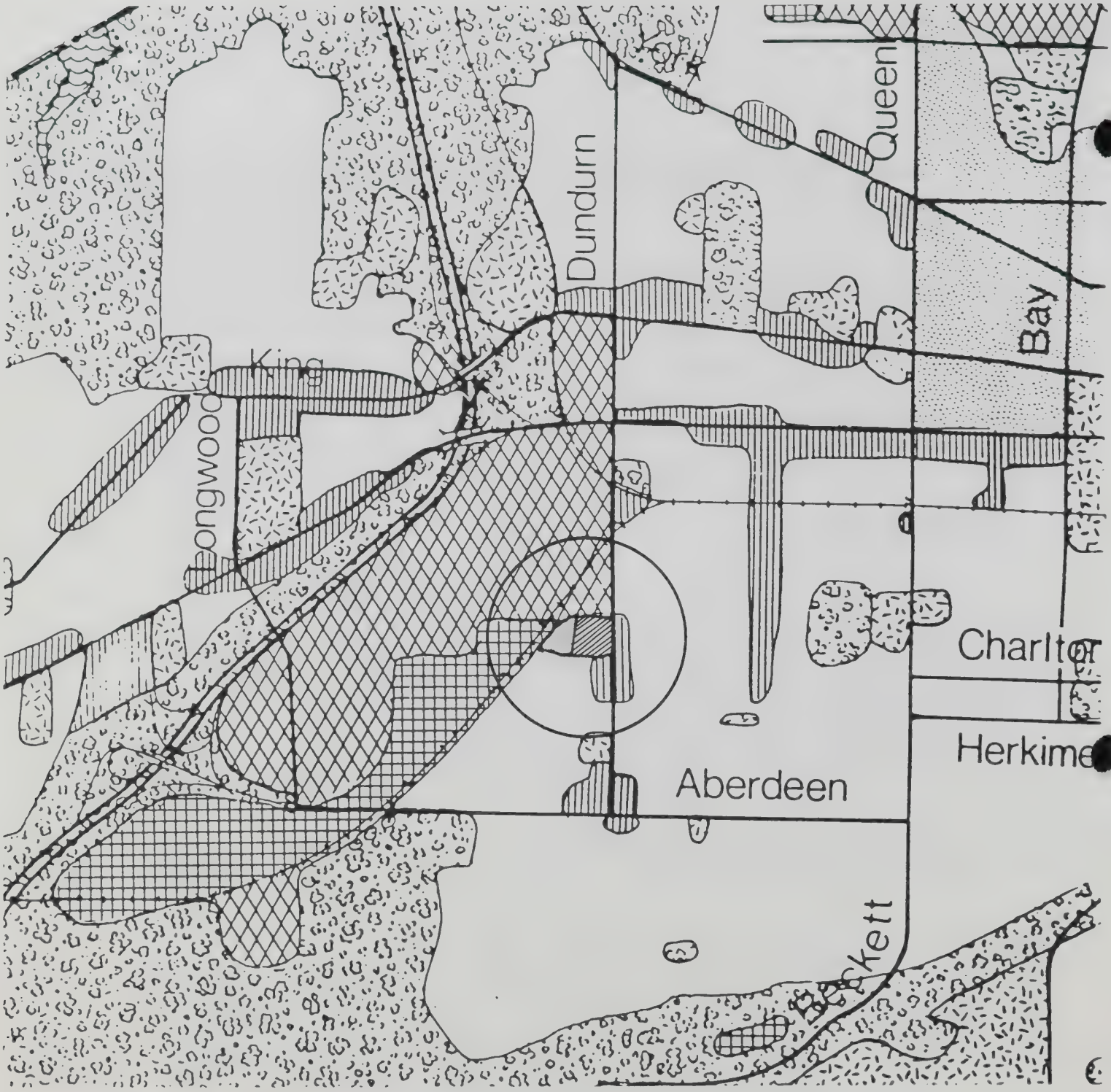
The Region has also requested a noise warning clause be placed on the title of the land. This condition will be applied at the time of Condominium approval and/or as a condition of Site Plan approval.

6. The lands are subject to Site Plan Control. Matters such as parking, landscaping, access will be considered in further detail.

CONCLUSION:

Based on the foregoing, the applications can be supported.

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Legend

Proposed changes:

"Major Institutional" to "Residential"

"Open Space" to "Residential"

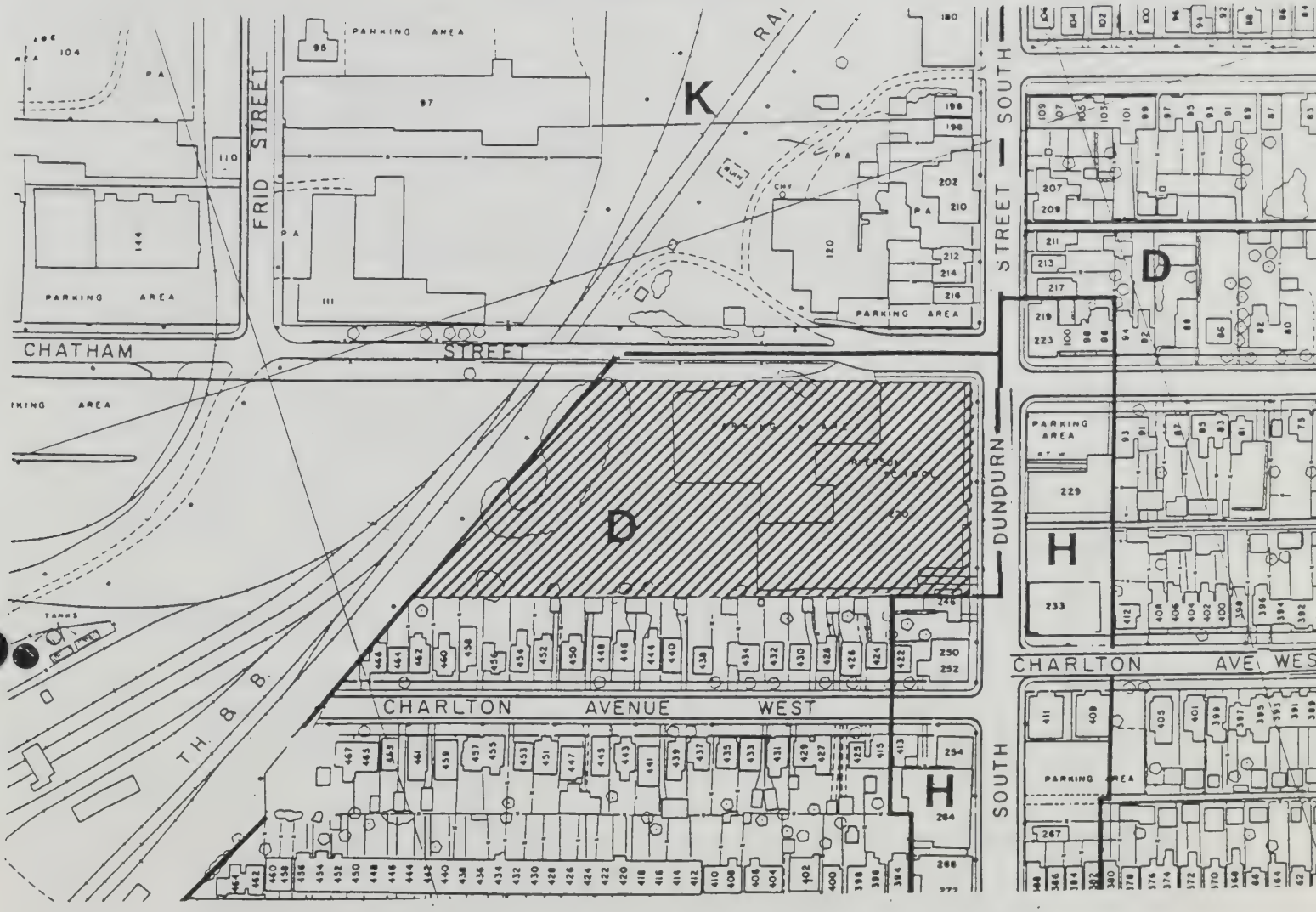
Appendix "A"

Drawn By	Date
R. L.	Sept. 1997

Scale

Not to Scale

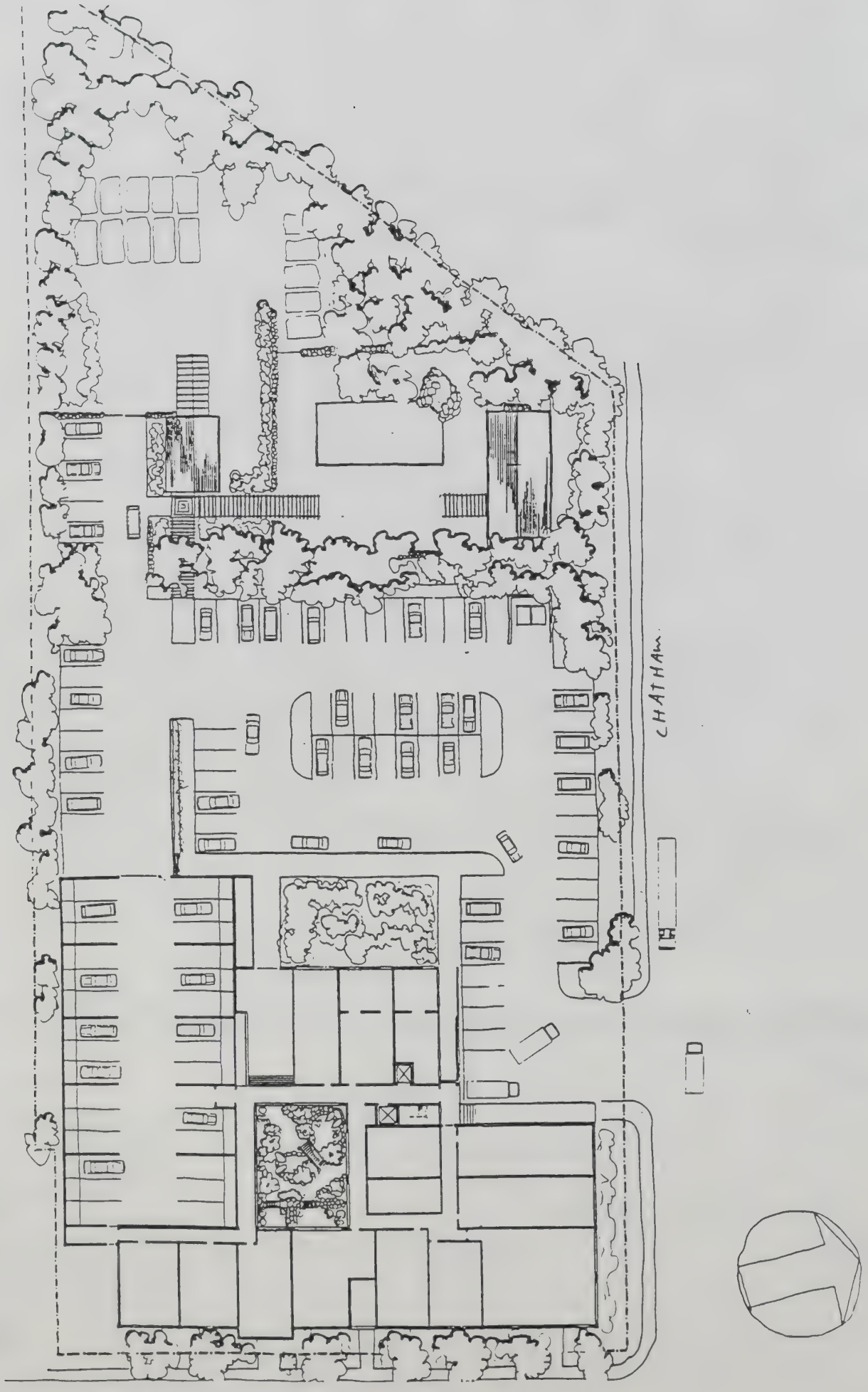
North



Legend

Site of the Application

Reference File No
ZAC-97-26
Drawn By: · Date: July 1997
Scale: Not to Scale
North


CHATHAM

CITY OF HAMILTON

- RECOMMENDATION -

3.

DATE: 1997 September 29
ZAC-97-27
Bruleville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and for a modification in zoning - 880 Upper Wentworth Street.

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to add a "notwithstanding clause" to permit restaurant uses on the lands municipally known as No. 880 Upper Wentworth Street and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(a) That approval be given to Zoning Application ZAC-97-27, **Barriview Developments Limited, owner,** for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 880 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Subsection 2.(a)(ii)1. of Zoning By-law No. 88-280 be deleted in its entirety.

(ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands shown, be further modified to include the following variances, as special requirements:

1) That notwithstanding Section 14A(1)(ca) of Zoning By-law No. 6593, a restaurant within the existing building shall be permitted subject to the following:

a) the total gross floor area for restaurant uses shall not be greater than 465 sq.m (5,000 sq.ft.) and no single restaurant use shall be greater in size than 280 sq.m. (2,850 sq.ft.).

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1096a, and that the subject lands on Zoning District Map E-18 be notated S - 1096a;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 880 Upper Wentworth Street as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit restaurant uses within the existing building. The restaurant uses would be restricted to a maximum size of 465 sq.m (5,000 sq.ft.) with no single restaurant being greater in size than 280 sq.m. (2,850 sq.ft.).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning Application 88-57

In October, 1985, City Council approved Zoning Application 88-57 for the subject lands. In keeping with the approved Bruleville Neighbourhood Plan, the subject lands were rezoned to permit commercial uses, but that high-traffic generating uses (i.e. restaurants, public hall) were specifically excluded.

APPLICANT:

Barriview Development Ltd., owner.

LOT SIZE AND AREA:

- 73.660 m of lot width;
- 66.443 m of lot depth; and
- 5,151.7 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Commercial	"HH" (Restricted Community Shopping and Commercial) District, modified
Surrounding Land Use		
to the north	Residential	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	Commercial	"HH" (Restricted Community Shopping and Commercial) District, modified
to the east	Commercial (Limeridge Mall)	"G-2" (Regional Shopping Centres) District
to the west	Institutional and Residential	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Commercial** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. In addition, the subject lands are located within Special Policy Area 33 which does not permit high traffic generating uses.

The proposed modification in zoning would require an Official Plan Amendment in the form of a "notwithstanding clause" to permit restaurant uses.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial (Neighbourhood Oriented)" in the approved Bruleville Neighbourhood Plan. The neighbourhood plan contains special provisions prohibiting high traffic generating uses such as restaurants. Approval of the application will require a neighbourhood plan amendment to exclude the subject lands area having the aforementioned special provisions.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. Assuming that the proposed restaurant use will be located within the existing commercial plaza, this Department has no comments."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "It is our understanding that the applicant is requesting that the zoning be modified to remove the restrictions on restaurants to permit restaurant uses up to a maximum of 465 square metres with a single premise not to exceed 280 square metres.

  The potential traffic that would be generated by a maximum of 465 square metres high-turnover (sit-down) restaurant would not have a detrimental affect on the existing traffic or future traffic on Upper Wentworth Street. The site has an all-direction access to Upper Wentworth Street. A two-way left turn lane is located on this section of Upper Wentworth providing for safe accommodation of left turning vehicles to and from the site.

  Based on the above comments, we find the proposed Official Plan Amendment and Rezoning Application to be satisfactory."

- The Regional Environment Department, has advised that:

  "There are public watermains and separate storm and sanitary sewers to service the subject lands.

  We have no objection to the proposed Official Plan and Zoning By-law amendment."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Bruleville Neighbourhood Plan. If approved, an amendment to the Plan would be required to provide a "notwithstanding clause" to permit restaurant uses on the subject lands.

3. The effect of the proposal is to delete the restrictions of By-law 88-280 which prohibits restaurants within the existing commercial plaza. These restrictions were imposed upon the site due to the concern for the amount of traffic that might result from the restaurant use.

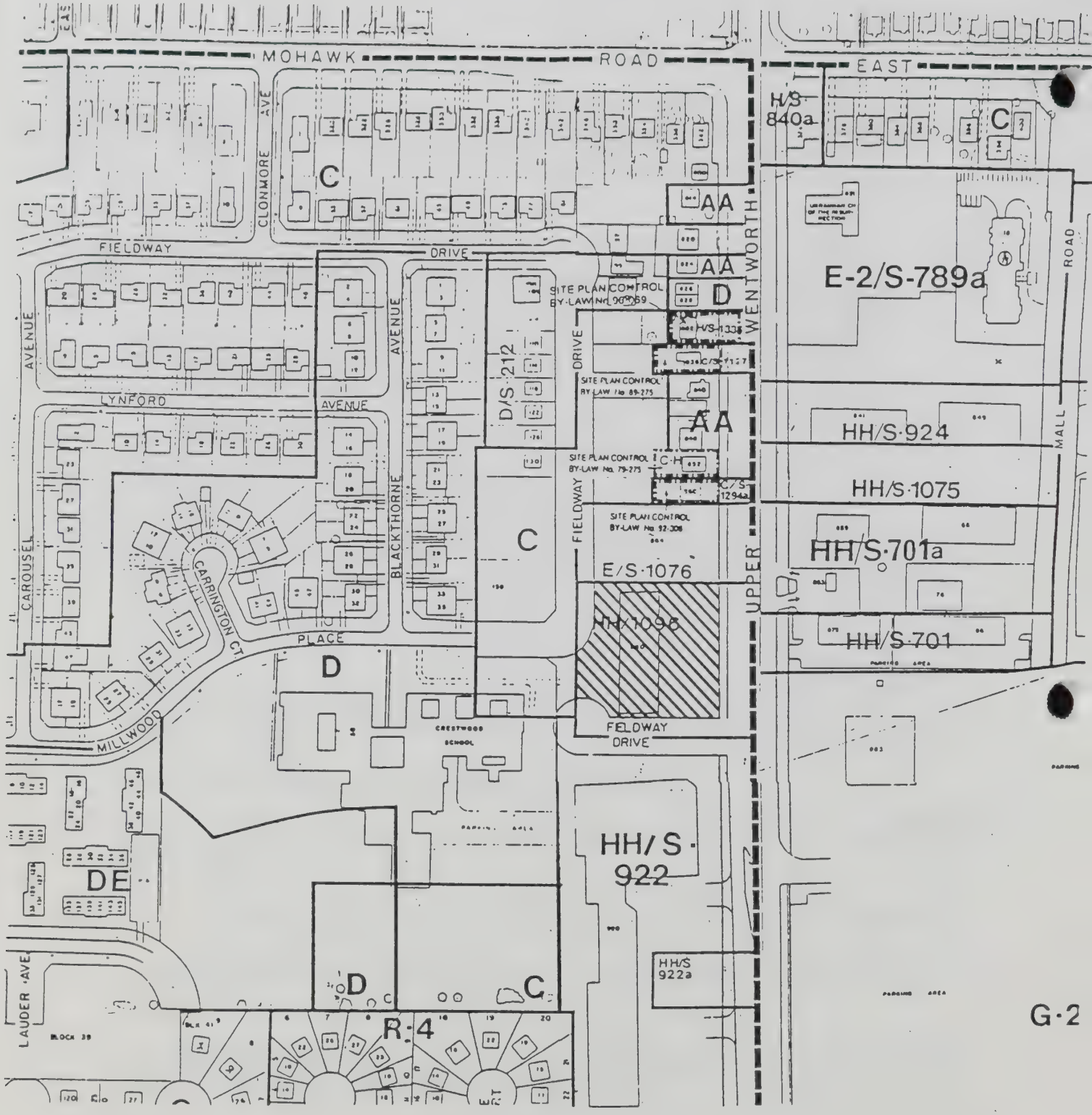
   The Traffic Department has advised that the potential traffic which would be generated by a restaurant would not have a detrimental affect on the existing or future traffic on Upper Wentworth Street. It is noted that there are no left turn restrictions into or from the site to Upper Wentworth Street. In addition, there is a two-way left turn lane is located on Upper Wentworth which provides for safe accommodation of left turning vehicles to and from the site. Accordingly, the proposal has merit and can be supported.

5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, any changes to the site with respect to landscaping, fencing, grading, parking, loading, etc., can be further reviewed at the site plan control stage of development. However, it is unlikely that the additional restaurant uses will necessitate any changes to the existing site plan.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-97-27.RPT



Legend

Site of the Application

ZAR-97-27

APPENDIX "

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: 1997 September 24
(DE-97-001)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application DE-97-001 -
11 Emerald Street South, Landsdale Neighbourhood

RECOMMENDATION:

(a) That approval be given to Application DE-97-001, under the Rental Housing Protection Act, 1190771 Ontario Inc., owner, for the demolition of an 8-unit rental apartment building located at 11 Emerald Street South, subject to the following conditions:

(i) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,

(ii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Owner

1190771 Ontario Inc., owner.

Existing Building

The subject property contains 8 one-bedroom apartment units. As of August 18, 1997, all of the units in the building were vacant. According to the applicant, the building has been vacant and unoccupied since late 1996.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 11 Emerald Street South was submitted to the City on August 18, 1997. The location of the subject property is shown on the attached key map. The proposal is to demolish the 8-unit apartment building to allow "for future development including more parking for the Hamilton Automobile Club".

Rent Details

The latest recorded monthly rental charges for the units according to the Ministry of Municipal Affairs and Housing, Rent Review Branch, were as follows:

Unit #1 -	$360.22	Unit #2 -	$367.58	Unit #3 -	$373.56
Unit #4 -	$373.56	Unit #5 -	$383.56	Unit #6 -	$373.56
Unit #7 -	$373.56	Unit #8 -	$373.56		

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental apartment units at 11 Emerald Street South are subject to the Act since the applicant intends to demolish the 8-unit apartment building. The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) has not been addressed by the applicant as no structural engineering reports/audits were submitted to the City with the application.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 8 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 8 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications submitted under the Rental Housing Protection Act. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. In regard to evaluating proposed demolitions, the key criteria are as follows:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Rental Market Statistics Sources

Current and historical data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone" which is bounded by the Escarpment to south, Queen Street to the west, Cannon Street to the north and Wentworth Street to the east. The CMHC survey data is generally regarded as the definitive source of rental housing market statistics within Hamilton and across Ontario. The most recent CMHC Rental Market Survey is from October, 1996.

Vacancy Rates - All Unit Types

The overall rental apartment vacancy rate for the City, in apartments with 6 units or more, was recorded at 2.45 percent in October, 1996. The vacancy rate for the Downtown Core Zone was 1.37 percent (all bedroom types). The vacancy rate in the Downtown Core Zone has been recorded at below 2.0 percent since April, 1995. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Apartment Units

The following table shows the vacancy rate in apartments with 6 units or more, by bedroom type, for the City as a whole and the Downtown Core Zone as of October, 1996, which are the latest available statistics.

Bedroom Type	**City of Hamilton Vacancy Rate**	**Downtown Core Vacancy Rate**
One-Bedroom	2.52%	1.52%

The vacancy rates for the City for one-bedroom units is above two percent. The vacancy rate for one-bedroom units in the Downtown Core Zone is below two percent.

Impact of the Demolition on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Hamilton Mountain Zone, for all units and by bedroom type, is used to determine if the demolition will negatively impact the apartment vacancy rate within the City and the particular market zone.

Utilizing the published CMHC statistics from the October, 1996 Rental Market Survey, there is no discernable impact on the vacancy rate at the City and Downtown Core level because of the small number of units (8) within the apartment building.

Geographic Area	Bedroom Type	Before Conversion Vacancy Rate	After Conversion Vacancy Rate
City of Hamilton	All Units	2.45%	2.45%
City of Hamilton	One-Bedroom	2.52%	2.52%
Zone 1 - Downtown Core	All Units	1.37%	1.37%
Zone 1 - Downtown Core	One-Bedroom	1.52%	1.52%

There is no impact on the various rental apartment vacancy rates with the removal of the units from the overall marketplace.

Rental Pricing/Average Rent Levels

Bedroom Type	City Wide Average Rent (Oct/96)	Downtown Core Average Rent (Oct/96)	11 Emerald South Average Rent (1996)
One-Bedroom	$485	$484	$372.40

The average monthly rents for 11 Emerald Street South are as of late 1996 according to the Ontario Ministry of Municipal Affairs and Housing. The average monthly rents that were charged within 11 Emerald Street South were lower than the City of Hamilton average rent levels and the Zone 1 - Downtown Core average rent levels.

Impact on Overall Supply of Rental Housing

The removal of the 8 units in this building through demolition will reduce the rental stock in the City and the Downtown Core Zone. The following table shows the rental stock by bedroom type and the impact of removing these units from the overall rental supply.

Geographic Area	Bedroom Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	All Units	30,823	-0.026%
City of Hamilton	One-Bedroom	14,933	-0.054%
Zone 1 - Downtown Core	All Units	10,513	-0.076%
Zone 1 - Downtown Core	One-Bedroom	5,858	-0.137%

The percentage reductions are very small for both the City and the Downtown Core Zone.

Alternative Accommodation

A review was undertaken of the total number of apartment units within Zone 1 - Downtown Core and the City as a whole by monthly rent range as recorded by CMHC. This determines the extent or availability of similarly priced rental accommodation within the same general geographic area of the subject property. The table below shows the actual distribution of all one-bedroom rental units compared to the units within 11 Emerald Street South.

Rent Range	11 Emerald St. S.	Downtown Core	City of Hamilton
$0-259			**
$260-279			
$280-299			
$300-319			27
$320-339			**
$340-359			62
$360-379	8	**	90
$380-399		124	376
$400-419		459	1,121
$420-439		640	1,193
$440-459		321	1,396
$469-479		936	2,042
$480-499		845	2,451
$500-539		1,611	3,956
$540-579		899	1,712
$580+		124	655
Total	8	5,959	15,081

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

In comparison to other one-bedroom units across the Downtown Core Zone and the City of Hamilton, the units at 11 Emerald Street South are marketed at the lower cost end of the rental marketplace. However, because of the small number of units within the apartment building, the eight units proposed for demolition represent only 1.2 percent of all one-bedroom units within the City of Hamilton with a monthly rent of less than $400.

Summary

Based on the published October, 1996 CMHC statistics, the rental apartment vacancy rate at the City of Hamilton level has been above 2.0 percent since April, 1992. The subject property, 11 Emerald Street South, is situated within CMHC's Downtown Core Zone (Zone 1). As of October, 1996, the vacancy rate in this zone was recorded at 1.37 percent, a decrease from the 1.85 percent level recorded in October, 1995.

The monthly market rents at 11 Emerald Street South at that time the building was occupied were recorded at the lower end of the rental marketplace. In addition, the average monthly market rents were below the average rent levels recorded for both the City of Hamilton and the Downtown Core Zone.

In spite of the apartment vacancy rate being under 2.0 percent in the Downtown Core Zone, removal of the 8 rental apartment units through demolition has no discernable effect on the rental apartment vacancy rate for the City of Hamilton as a whole and for the Downtown Core Zone. Further, removal of the units has a negligible effect on the overall supply of rental housing units within the Downtown Core Zone and the City of Hamilton.

Notwithstanding the foregoing, it is important to recognize that only 8 apartment units are being removed through the proposed demolition. This accounts for approximately 0.026 percent of all rental apartments in buildings with 6 or more units in the City of Hamilton. As such, the proposal to demolish the 8-unit rental apartment building at 11 Emerald Street South would not adversely affect the supply of affordable rental housing within the municipality.

IMPACT ON EXISTING TENANTS:

There are no tenants within the 8-unit apartment building.

COMMENTS:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 8 rental units through demolition will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, it is evident that the removal of these 8 rental units will not adversely affect the supply of affordable rental housing in the City. Although the rental apartment vacancy rate within the Downtown Core Zone is under 2.0 percent and the units, when they were occupied, were at the lower end of rental marketplace, it is important to recognize that only 8 rental units are proposed for demolition and account for a statistically insignificant proportion of the total rental housing stock in Hamilton.

For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department:

  "1. The recognized use is a legally established non-conforming eight (8) unit multiple dwelling.

  2. The proposed use, after demolition, as per the RHPA application, is for additional parking for the Hamilton Automobile Club. However, the two properties appear to be separated by an alleyway and the additional parking would be located on a separate lot from the principal building. Therefore, it is considered a public parking lot and is subject to the requirements of Section 13C of Zoning By-law 6593.

  3. A public parking lot requires a site plan to be approved by the Planning and Development Committee, and any work to be completed must be done within the designated time frame."

- Treasury Department:

  "For the year 1997, a total of $2,009.42 remain outstanding ($1,966.80 Tax and $42.62 Penalty)."; and,

- Law Department:

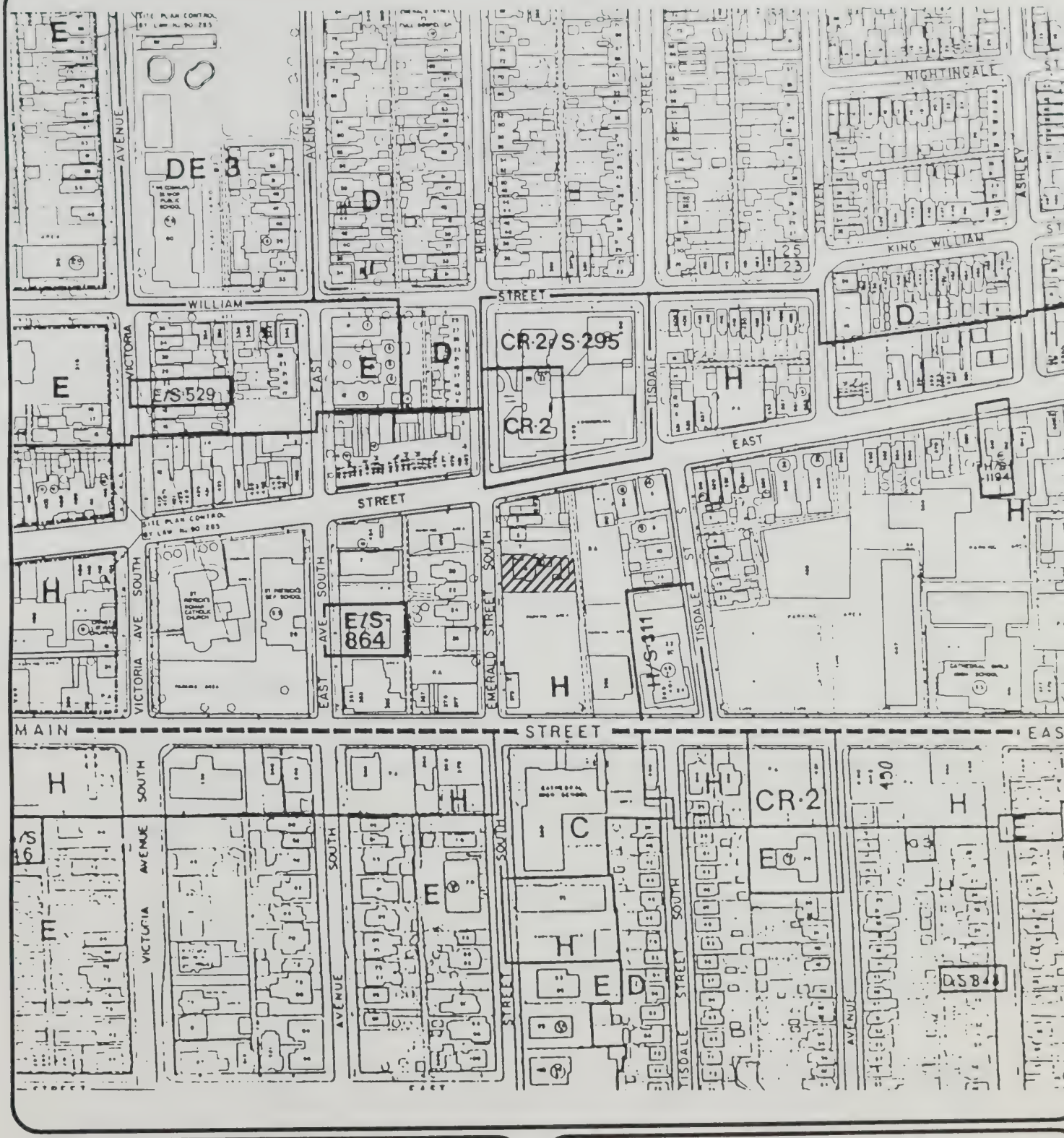
  "No comments."

CONCLUSION:

On the basis of the foregoing, the application can be supported. The proposed demolition of the 8 unit apartment building will not cause an adverse impact on the supply of affordable rental housing in the City of Hamilton. Further, the recommendation requires the owner to provide satisfactory evidence that any and all mortgagees of the property consent to the RHPA application and that all outstanding taxes owing to the City are paid before the City issues the RHPA Certificate of Approval.

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City of Hamilton

Key Map

Rental Housing Protection Act

11 Emerald Street South

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	DE-97-001
	Date	Drawn By
	Sept 1997	R. L.

CITY OF HAMILTON

- RECOMMENDATION -

5.

DATE: 1997 September 30
ZAC-97-22
Rolston Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and for a modification in zoning - 245 Mohawk Road West.

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a physiotherapy clinic within the "Residential" designation for property known municipally as 245 Mohawk Road West and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application ZAC-97-22, **Kaz Kusmierczak, prospective owner,** for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", to permit a physiotherapy clinic within the existing building, on the following basis:

(i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands shown, be modified to include the following variances, as special requirements:

1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, a physiotherapy clinic with a maximum floor area of 365 square metres shall be permitted;

2) That notwithstanding Section 9(3)(iii) of Zoning By-law No. 6593, a minimum rear yard of a depth of at least 2.6 m shall be provided and

CITY OF HAMILTON

- RECOMMENDATION -

5.

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ZAC-97-22
Rolston Neighbourhood

REPORT TO: Stella Glover, Secretary
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1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, a physiotherapy clinic with a maximum floor area of 365 square metres shall be permitted;

2) That notwithstanding Section 9(3)(iii) of Zoning By-law No. 6593, a minimum rear yard of a depth of at least 2.6 m shall be provided and

maintained for a one storey building.

3) That notwithstanding Subsection 4(a) of Table 1 contained in Section 18A of Zoning By-law No. 6593, a minimum of 14 parking spaces shall be provided and maintained;

4) That notwithstanding Section 18A(5)(c) of Zoning By-law No. 6593, "floor area" means the area contained within the perimeter of the building at each floor level, including storeys below grade.

5) That in addition to the requirements of Section 18(A)(7) of Zoning By-law No. 6593, a minimum of one parking space shall have dimensions not less than 3.9 m wide and 6.0 metres long.

6) That notwithstanding Section 18A(11)(b) of Zoning By-law No. 6593, no parking shall be located within the front yard.

7) That notwithstanding Section 18A(1)(d) of Zoning By-law No. 6593, a loading space shall not be required for a physiotherapy clinic.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps W-9 and W-17 be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-17 and W-18 for presentation to City Council.

(c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to establish a Special Policy Area to permit a physiotherapy clinic within the existing Residential designation.

The purpose of the proposed by-law is to provide for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a physiotherapy clinic. The physiotherapy clinic would be restricted to a maximum size of 365 sq.m (3,930 sq.ft.) (including basement and/or cellar area). In addition, the by-law provides for the following variances:

- permits a minimum rear yard of 2.6 m for a 1 storey building whereas the Zoning By-law requires 7.5 m;

- requires a minimum of 14 parking spaces whereas the provisions of the Zoning By-law would require 20 parking spaces for a 365 sq.m. physiotherapy clinic;

- define "floor area" as being the area contained within the perimeter of the building at each floor level, including storeys below grade, whereas the Zoning By-law does not include "cellar" in the definition of floor area;

- require that a minimum of one parking space, to be used as handicap parking be at least 3.9 m wide and 6.0 metres long;

- prohibits any parking in the front yard whereas the Zoning By-law prohibits parking within 6.0m of the front lot line; and,

- exempts the proposed physiotherapy clinic from providing a loading space.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Kas Kusmierczak, prospective owner.

AGENT:

John Ariens, Planning and Engineering Initiatives Limited.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have

- 27.706 m of lot frontage along Mohawk Road West;

- a maximum lot depth of 47.36 m; and

- a total lot area of 1,632.35 m^2.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Institutional (Canadian Reformed Teachers College)	"C" (Urban Protected Residential, etc) District
Surrounding Land Use		
to the north and south	Open Space and single detached dwellings	"C" (Urban Protected Residential, etc) District
to the east	Walkway, Assembly Hall (Masonic Hall), Medical Clinic and Single detached dwellings	"C" (Urban Protected Residential, etc) District
to the west	Single detached dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan.

The proposed use is not considered to be a "Medical Practioner's Office" or a "Local Commercial" use. Based on Policy A.2.1.1, the proposal does not conform to the Official Plan. The site area is less than 0.41 ha (1 acre), and as such, the subject lands should not be redesignated to "Commercial". However, an Official Plan amendment is required to create a Special Policy Area to permit the commercial use within the "Residential" designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Civic & Institutional" and "Single & Double" in the approved Rolston Neighbourhood Plan. Approval of the application will require the redesignation of the subject lands to "Commercial" to reflect the proposed use as a physiotherapy clinic.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. A physiotherapy clinic is considered a medical office and is not permitted in a "C" District.

2. No part of the parking spaces or manouvering space shall be located in the required 6.0m front yard. Parking and manouvering spaces located in the front yard.

3. A 1.5m wide landscaped area with a planting strip is required along the east, west and south lot lines between the parking area and the adjoining residential districts to the east, west and south. The planting strip is not provided.

4. A visual barrier is required to be provided along the east, west and south lot lines between the parking area and the adjoining residential district having a minimum 1.2m to a maximum 2.0m in height. The west lot line fence is not a visual barrier.

5. The parking area has not been dimensioned to determine compliance to Section 18A.

6. Our records indicate that the existing building has a basement which shall be included as floor area to determine the number of parking spaces required and the total floor area may require a loading space."

The Building Department further advised:

"1. The parking area (parking spaces and manouvering space) is not permitted to be located in the required 6.0 m (19.69') front yard. Phase I - 4 parking spaces are affected and Phase II - 6 parking spaces are affected.

2. It appears that the two parking spaces located in the southwest corner of the lot overlap. Each parking space must clear dimension of 2.7m x 6.0m.

3. One of the parking spaces in southwest corner does not have sufficient manouvering space aisle width of 6.0m.

4. A visual barrier is required along the westerly lot line.

5. The proposed side addition in Phase II must have an average rear yard of 7.5m (24.61') and the minimum rear yard setback must be at least 3.0m (9.84').

6. The existing parking layout does not conform to the minimum requirements.

7. The plans appear not to include the basement area. Please confirm use."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "The applicant has submitted a revised preliminary site plan and should be advised that the aisleway that connects the two parking areas north of the building must be a minimum of 5.5 metres wide. All parking and manouvering areas should be asphalted. Two parking spaces located adjacent to the northwest corner of the building (Phase II) must be relocated."

  In addition, the Traffic Division advised:

  "We have been advised that the existing floor area of the building may have been listed incorrectly (ie excluded basement). This may increase the total number of parking spaces required. The applicant should be advised that we would not support a variance to reduce the parking requirements."

- The Regional Environment Department, Development Engineering Section, has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Region's Transportation Department, Roads Division have the following comments.

  1. The existing and designated road allowance of Mohawk Road West is 30.48m. Therefore, we do not anticipate any further road allowance widenings at this time.

  2. According to plans submitted by the applicant there is an existing hedge within the Mohawk Road West road allowance, as widened. The hedge encroachment is contrary to the Region of Hamilton-Wentworth Roads Use By-law and remains at the sole risk of the applicant/owner. The applicant must ensure that this hedge does not block motorists visibility entering Mohawk Road West from property and adjacent properties.

  3. In the absence of any other details shown we advise that any works which may occur within the Mohawk Road West road allowance, must conform to the Region of Hamilton-Wentworth Road Use By-law."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The application for an Official Plan Amendment can be supported because the subject lands are located along a major arterial road and the proposed use would permit the adaptive reuse of the existing building. In addition the proposed use would be compatible with the public hall use located immediately to the west.

2. The proposal conflicts with the intent of the approved Rolston Neighbourhood Plan. If approved, an amendment to the Plan would be required to provide a establish a Special Policy Area to permit a physiotherapy clinic within the existing residential designation.

3. The application, as proposed, was for a 816 m^2 (8,785 sq.ft.) physiotherapy clinic (the basement is included in the calculation of floor area). For medical offices, the parking standard in the Zoning By-law is 1 space per 19 m^2. As such, a total of 43 parking spaces would be required. The plan submitted by the applicant showed a total of 21 parking spaces (see APPENDIX "B").

   In keeping with the residential parking requirements, parking in the front yard should be prohibited. In addition, to maintain adequate landscaping and buffering, a minimum of 14 parking spaces can be provided (see APPENDIX "C"). Although it is physically possible to accommodate additional parking on-site, this would require locating parking in the front yard or eliminating the landscape buffer strips. As such, the size of the proposed physiotherapy clinic should be restricted based on the amount of on-site parking provided.

   The elimination of parking from the front yard would reduce the permitted size of the physiotherapy clinic to 266 m^2 (2,863 sq.ft.). However, based on the size of the existing building, Planning and Development Department staff could support a reduction in the required parking from 21 spaces to 14 spaces to maintain the residential character of Mohawk Road West between Garth St. and West 5th St.

   In addition to the reduced parking standard, the following additional variances to the Zoning By-law are required.

   In keeping with the decision of the Committee of Adjustment in 1995, the Zoning By-law should permit a minimum rear yard of 2.6 m for a 1 storey building.

   The Building Department has advised that the existing building has a basement. For the purpose of defining "floor area", a basement is included in the calculation whereas "cellar" is not. Notwithstanding this, either a basement or a cellar could be utilized as part of the physiotherapy clinic. As such, based on discussions with Traffic Division staff, it is appropriate that the definition of "floor area" be amended to include cellar.

   The plans submitted by the applicant show 1 handicap parking space. However, this

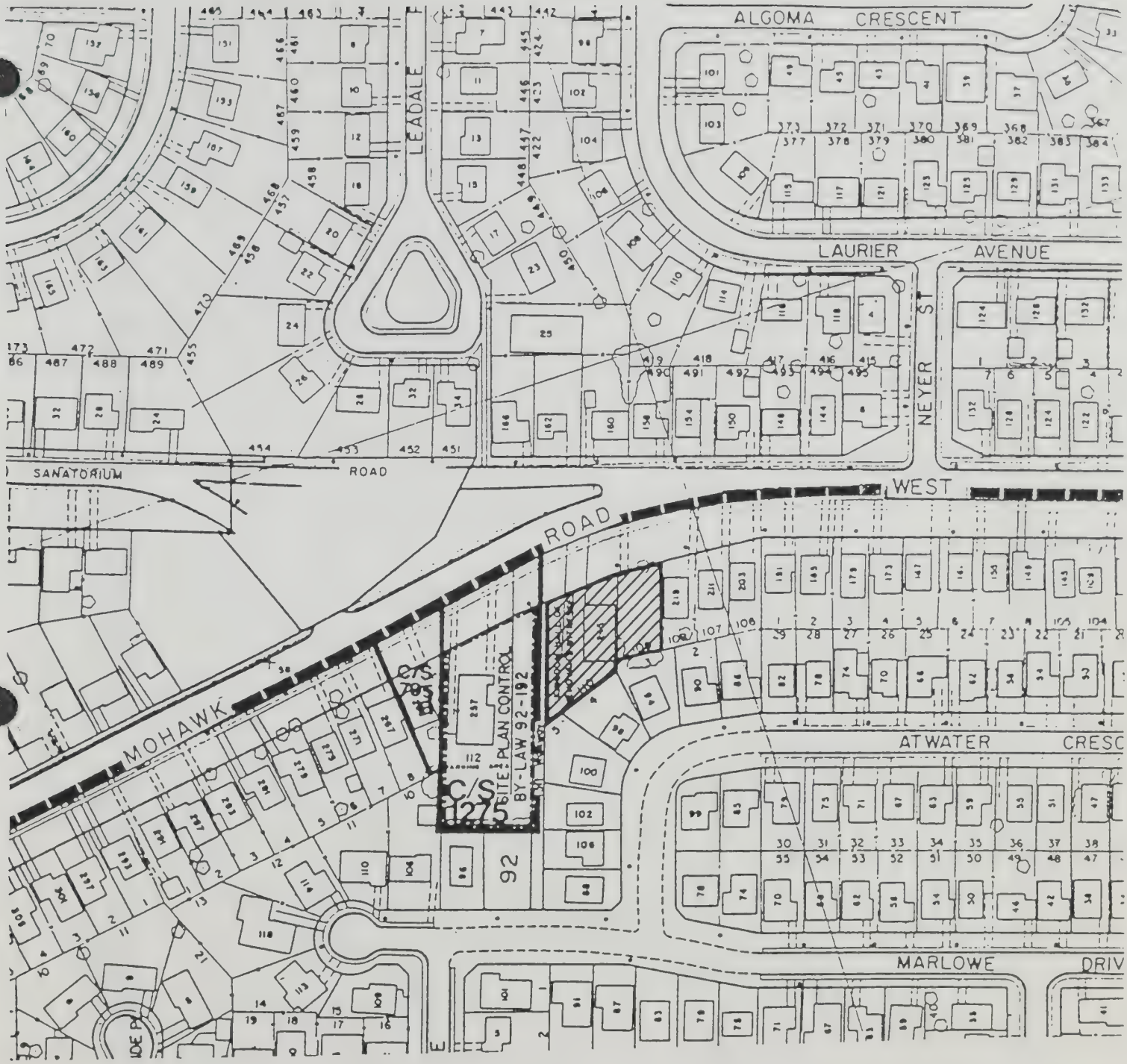
space is located in the front yard. As such, this space should be relocated. To ensure that a handicap parking space is provided, the implementing by-law should require that a minimum of one parking space, to be sued as handicap parking be at least 3.9 m wide and 6.0 metres long.

4. The "C" (Urban Protected Residential, etc) District is not subject to Site Plan Control. As the proposed use is considered to be a commercial use, it is appropriate that the subject lands be placed under site plan control so that matters such as landscaping, fencing, grading, access, parking, loading, etc., can be further reviewed.

CONCLUSION:

Based on the foregoing, the application for an Official Plan Amendment and modification in zoning can be supported.

ZA-97-22.RPT

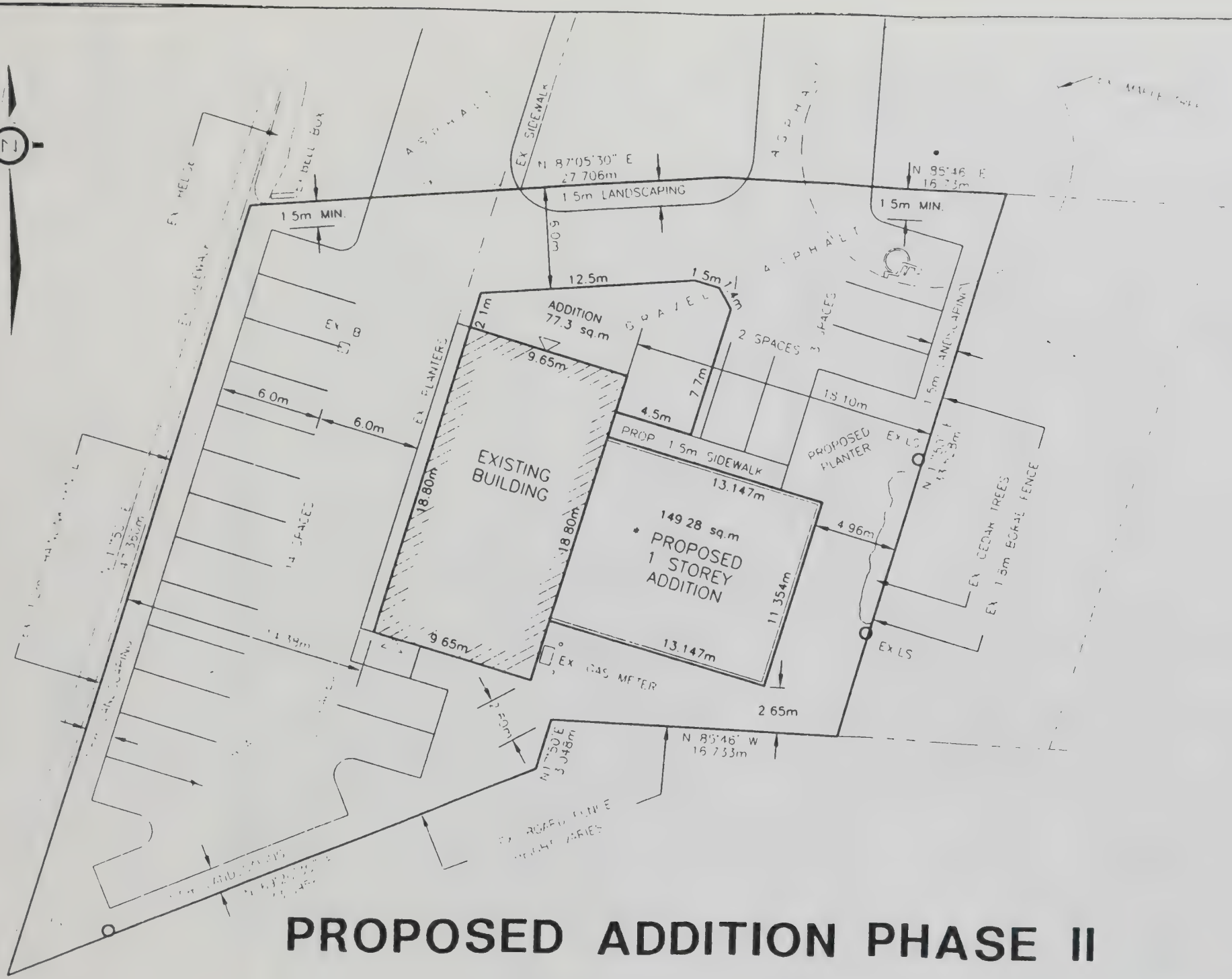


Legend

Site of the Application

Reference File No.	
ZAR-97-22	
Drawn By	Date
W. B.	May1997
Scale	
Not to Scale	
North	

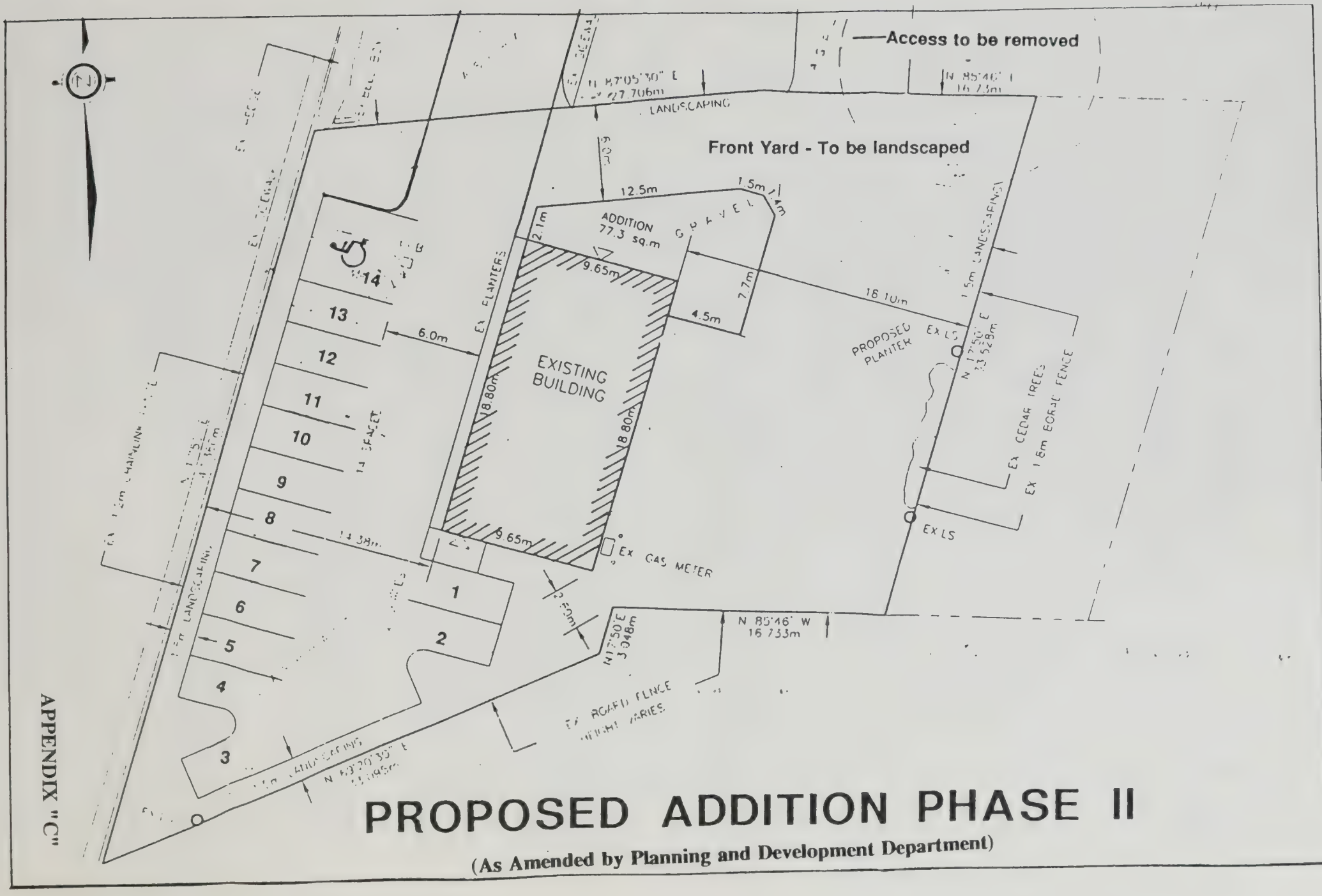
APPENDIX "A"



PROPOSED ADDITION PHASE II

(As Submitted by the Applicant)

APPENDIX "B"



APPENDIX "C"

PROPOSED ADDITION PHASE II

(As Amended by Planning and Development Department)

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 30
ZAC-97-29 & SAC-97-05
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for approval of a draft plan of subdivision "Wellington Estates" and for a change in zoning - Lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive.

RECOMMENDATIONS:

A That Subdivision Application SAC-97-05, **839891 Ontario Inc. (A. DiSilvestro, President), owner**, for 76 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets and that Zoning Application ZAC-97-29, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District, for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

(i) the proposed lot widths would result in an overconcentration of small lot single family dwellings whereas the existing approved development pattern provides for a balance of lot widths (i.e. 15 m, 12 m and 10 m wide lots) as provided for in the neighbourhood plan;

(ii) the proposed plan of subdivision does not comply with the general intent of the Official Plan which is to provided for a variety of lot sizes and dwellings types in that the proposed plan will result in an overconcentration of small lot single family dwellings; and,

(iii) the proposed plan of subdivision conflicts with Section 51(24) of the Planning Act in that the proposed plan does not comply with the Official Plan and the Allison Neighbourhood Plan.

(iv) the proposed "R-4" (Small Lot Single Family) District does not provide for a proper gradation of lot sizes in accordance with the approved Allison Neighbourhood Plan;

(v) the proposed "R-4" (Small Lot Single Family) District does not provide for a proper transition of lot sizes; and,

(vi) the proposed "R-4" (Small Lot Single Family) District would result in an overconcentration of small lot single family dwellings whereas the existing approved development pattern provides for a balance of lot widths (i.e. 15 m, 12 m and 10 m wide lots) as provided for in the neighbourhood plan.

B That approval be given to amended Subdivision Application SAC-97-05, **839891 Ontario Inc. (A. DiSilvestro, President), owner**, for 68 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Ltd. and certified by J.P. Wooley, O.L.S., dated June 23, 1997, showing 68 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets, attached as APPENDIX "B".

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act.

(v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xi) That a 2m by 2m daylight triangle be shown on the final plan of subdivison for road purposes on Lot 57.

(xii) That the east-west portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 3".

(xiii) That the north-south portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 4".

(xiv) That Meadowpoint Drive must align centreline-to-centreline with Serena Drive in "Allison Estates - Phase 3".

(xv) That Magenta Court must align centreline-to-centreline with Magenta Court in "Allison Estates - Phase 3".

(xvi) That 15m radius transitions be provided into and out of the bulb adjacent to Lots 6 and 11 (inclusive) on Jacqueline Boulevard.

(xvii) That no portion of the plan be developed until a second public street access is established, constructed and connected over Kirkfield Road to Spingside Drive.

(xviii) That the development phasing of this subdivision be to the satisfaction of the Regional Environment Department and the City of Hamilton Department of Public Works and Traffic.

(xix) That the owner terminate any open side of the road allowance or deadends in 0.30 metre reserves.

(xx) That Blocks 70, 71, 72, 73 and 74 be developed in conjunction with Registered Blocks 18, 19, 20, 21 and 22, Registered Plan 62M-823 ("Allison Estates - Phase 4") respectively.

(xxi) That Block 69 be dedicated to the City of Hamilton by deed for park purposes.

(xxii) That prior to the conveyance of Block 69 for park purposes, the block will have been remediated with respect to soil contaminates and any archaeological remains will have been removed to the satisfaction of the approriate Provincial Ministry, the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.

(xxiii) That Block 69 be graded and planted to the satisfaction of the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.

(xxiv) That the owner prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. The approved plan will include the following:

a) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

(xxv) That the owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

(xxvi) That the owner provide temporary turn arounds at the westerly limits of Meadowpoint Drive and Jacqueline Boulevard to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic.

(xxvii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xxviii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

C That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97012), 839891 Ontario Inc., owner, proposed draft plan of subdivision,

and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

D That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

E That approval be given to amended Zoning Application ZAC-97-29, **839891 Ontario Inc. (A. DiSilvestro), owner**, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District to permit small lot single family dwellings (minimum lot width of 10 m), for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive, as shown on the attached map marked as APPENDIX "C", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District;

(ii) That the Director of Planning and Development be authorized to prepare a By-law to the satisfaction of the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;

(iii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District.

The effect of the By-law is to permit the development of the subject lands for 32 Small Lot Single Family Dwellings with an average lot width of 10.0 m. in accordance with the proposed revised draft plan of subdivision "Wellington Estates" (25T-97012) and abutting draft approved plan of subdivision ("Allison Estates").

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

APPLICANT:

839891 Ontario Inc. (A. DiSilvestro), owner.

AGENT:

Urbex Engineering.

LOT SIZE AND AREA:

The subject property is irregular in shape and has the following dimensions

- 128 m of lot width;
- 353 m of lot depth; and
- 4.1 ha of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"C" (Urban Protected Residential, etc) District
Surrounding Land Use		
to the north	Residential	"R-4" (Small Lot Single Family) District
to the south	Vacant lands	N/A (Town of Glanbrook)
to the east	Mount Hamilton Cemetery	"AA" (Agricultural) District
to the west	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District, and "B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed change in zoning, as amended, comply with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single & Double" Residential in the Allison Neighbourhood Plan. The proposed change in zoning, park location and road network comply with the approved Allison Neighbourhood Plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised that:

  "We have no objection to the proposed change in zoning from "C" to "R-4" to permit the development of small lot single family lots.

  With reference to the submitted plan of subdivision, we find the plan satisfactory. However, we recommend that the development of the subject lands be conditional upon the establishment and construction of the necessary roadways to provide connections to Upper Wellington Street to the north and Springside Drive to the west of the subject lands.

  The development of lots on Meadowpoint Drive and Jacqueline Boulevard, south of Meadowpoint Drive, prior to the construction of the roadways to the west of the subject lands will require the provision of temporary turn arounds at the westerly limits of these streets.

  The applicant should also be advised that care should be exercised when siting individual buildings in order to avoid the overlap of driveways within the boulevard area or the overlap of driveways and the extension of side lot lines across the boulevard."

- The Regional Environment Department, has advised that:

  "INFORMATION

  1. For the information of the applicant/owner, although not dimensioned on the plan, all roads are to be established at 20m.

  2. For the information of the applicant/owner, the first phase of development of this subdivision requires that a second public access to this entire development area be established, constructed and connected over Kirkfield Road to

Springside Drive.

RECOMMENDATIONS

1. That a 2m by 2m daylight triangle be shown on the final plan of subdivison for road purposes on Lot 65.

2. That the east-west portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 3".

3. That the north-south portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 4".

4. That Meadowpoint Drive must align centreline-to-centreline with Serena Drive in "Allison Estates - Phase 3".

5. That Magenta Court must align centreline-to-centreline with Magenta Court in "Allison Estates - Phase 3".

6. That 15m radius transitions be provided into and out of the bulb adjacent to Lots 7 and 14 (inclusive) on Jacqueline Boulevard.

7. That no portion of the plan be developed until a second public street access is established, constructed and connected over Kirkfield Road to Spingside Drive.

8. That the development phasing of this subdivision be to the satisfaction of the Regional Environment Department and the City of Hamilton Department of Public Works and Traffic.

9. That the owner terminate any open side of the road allowance or deadends in 0.30 metre reserves.

10. That Blocks 78 to 82 Iinclusive) be developed in cvonjunction with the adjacent lands in "Allison Estates - Phase 4".

11. That Block 77 be dedicated to the City of Hamilton by deed for park purposes.

12. That prior to the conveyance of Block 77 for park purposes, the block will have been remediated with respect to soil contaminates and any archaeological remains will have been removed to the satisfaction of the approriate Provincial Ministry, the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.

12. That Block 77 be graded and planted to the satisfaction of the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.

13. That the owner prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. The approved plan will include the following:

    a) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

    b) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;

    c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;

    d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

14. That the owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

15. That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

The submitted plan as prepared by Urbex Engineering Limited dated June 23, 1997 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Hamilton Region Conservation Authority has advised that approval of the application should be subject to the following:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan will include the following:

a) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a stormwater management plan for the subject property. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented."

- The Regional Environment Department, Planning Division advised of the following:

"The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

Since the subject lands are in the vicinity of the Hamilton Airport, Policy C-4.3.5.3 b) of the H.W.O.P. states the following:

> "All new development permitted within areas exposed to noise disturbance levels of 28 NEF or greater, will be required to be insulated for noise in accordance with the standards of the Provincial Ministry of Municipal Affairs & Housing."

The subject lands are within the 28 NEF area of the airport."

The Regional Environment Department, Planning Division, further advised that:

"Approval of the proposed plan of subdivision should be subject to the following conditions:

1) The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2) The proposed development is required to the attenuated for noise, in accordance with the standards of the Provincial Ministry of Municipal Affairs & Housing (i.e. C.M.H.C.'s New Housing and Airport Noise Handbook, NHA 5185 81/05).

NOTE: The stated 28 NEF contour is based on the 1996 contour mapping, it is our understanding that new NEF contour mapping will be forthcoming from Transport Canada shortly. As such, this second condition may not be required. If it is determined that this area is not affected by the new NEF contour (i.e. less than 28 NEF), the Region can waive this condition."

- The Building Department has verbally advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law (i.e. surveyor's certificate showing lot area and lot width of each lot and block).

COMMENTS:

1. The proposal, as amended, complies with the intent of the Official Plan and the approved Allison Neighbourhood Plan.

2. The proposal, as revised, has merit and can be supported in that it would be compatible with existing and future planned residential uses.The approved Allison Neighbourhood Plan designates the lands to the west of the subject lands as "Very Large Lots". The lands abutting the existing development is designated for "Large Lots" and this designation was implemented through the "B-2" District zoning. The proposed changes in zoning will provide for the gradation of density in the neighbourhood plan with the larger lots located west of the extension of Jacqueline Blvd. and "C" District located along the remainder of Jacqueline Blvd. The smaller lots, proposed to be zoned "R-4" District, will be located adjacent to the neighbourhood park and entrance to the neighbourhood from Upper Wellington Street.

3. The proposed change in zoning from "C" District to "R-4" District will allow for the construction of "starter homes" in the immediate proximity of the neighbourhood park. Starter homes are more likely to be occupied by families with children and as such will utilize the neighbourhood park facilities. In addition, households will move-up to a larger home as their space needs increase (i.e. to a "C" District).

4. Block 69 on the approved Allison Neighbourhood Plan is "Park and Recreational". The Regional Environment has advised there is a high probability of archaeological resources within the limits of the proposed plan of subdivision. As such, as a condition of draft plan approval, the proponent will be required to satisfy the following condition:

   "The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements."

   The presence of archaeological resources could restrict the development of Block 69 for park purposes. As such, the Regional Environment Department has advised that the applicant will be required to undertake an archaeological assessment of the entire development property and that all archaeological resource concerns of the Ministry of Citizenship, Culture & Recreation have met licensing and resource conservation requirements.

   As such, prior to the dedication of Block 69 to the City of Hamilton, the City should required that the proponent obtain clearance from the Ministry of Citizenship, Culture & Recreation that there are no archaeological restrictions on Block 69 that would affecting the development of the subject lands as a neighbourhood park.

5. The Regional Environment Department, Planning Division has advised that the subject lands are within the 28 NEF area of the airport. In accordance with the requirements of the Regional Official Plan and the Provincial Policy Statement all new development that is exposed to noise disturbance levels of 28 NEF or greater are required to be insulated for noise in accordance with the standards of the Provincial Ministry of Municipal Affairs & Housing.

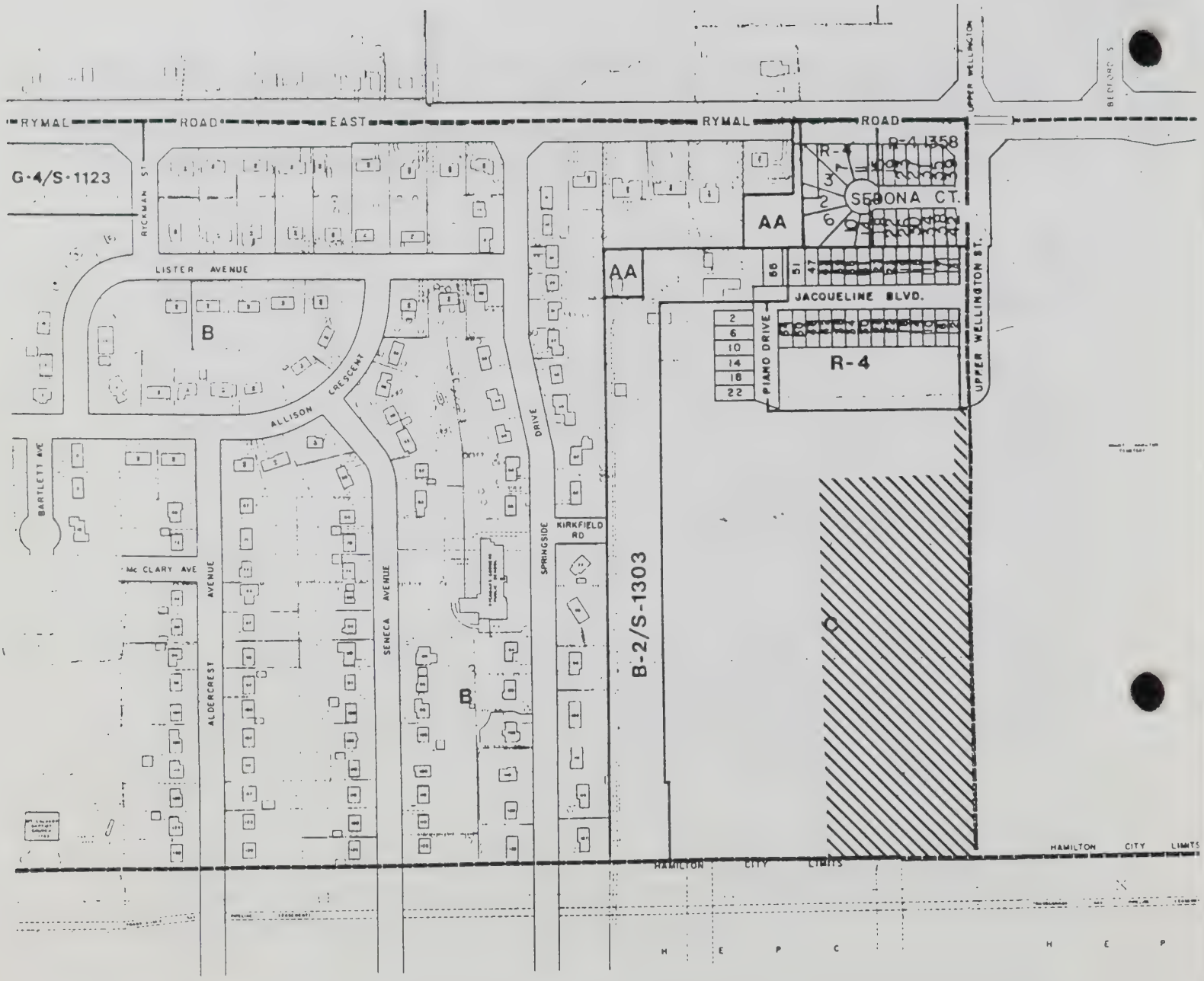
   As this is a Regional condition, the Region will impose this condition and be responsible for ensuring that required noise attenuation measures are implemented.

6. The Building Department has advised that additional information regarding minimum lot area will be required to determine compliance with the Zoning By-law. As a condition of draft plan approval, the applicant will be required to submit a surveyor's certificate demonstrating compliance with the applicable provisions of the Zoning By-law conformity.

CONCLUSION:

Based on the foregoing, the application, as amended, can be supported.

SR/sr
ZA-97-29.RPT

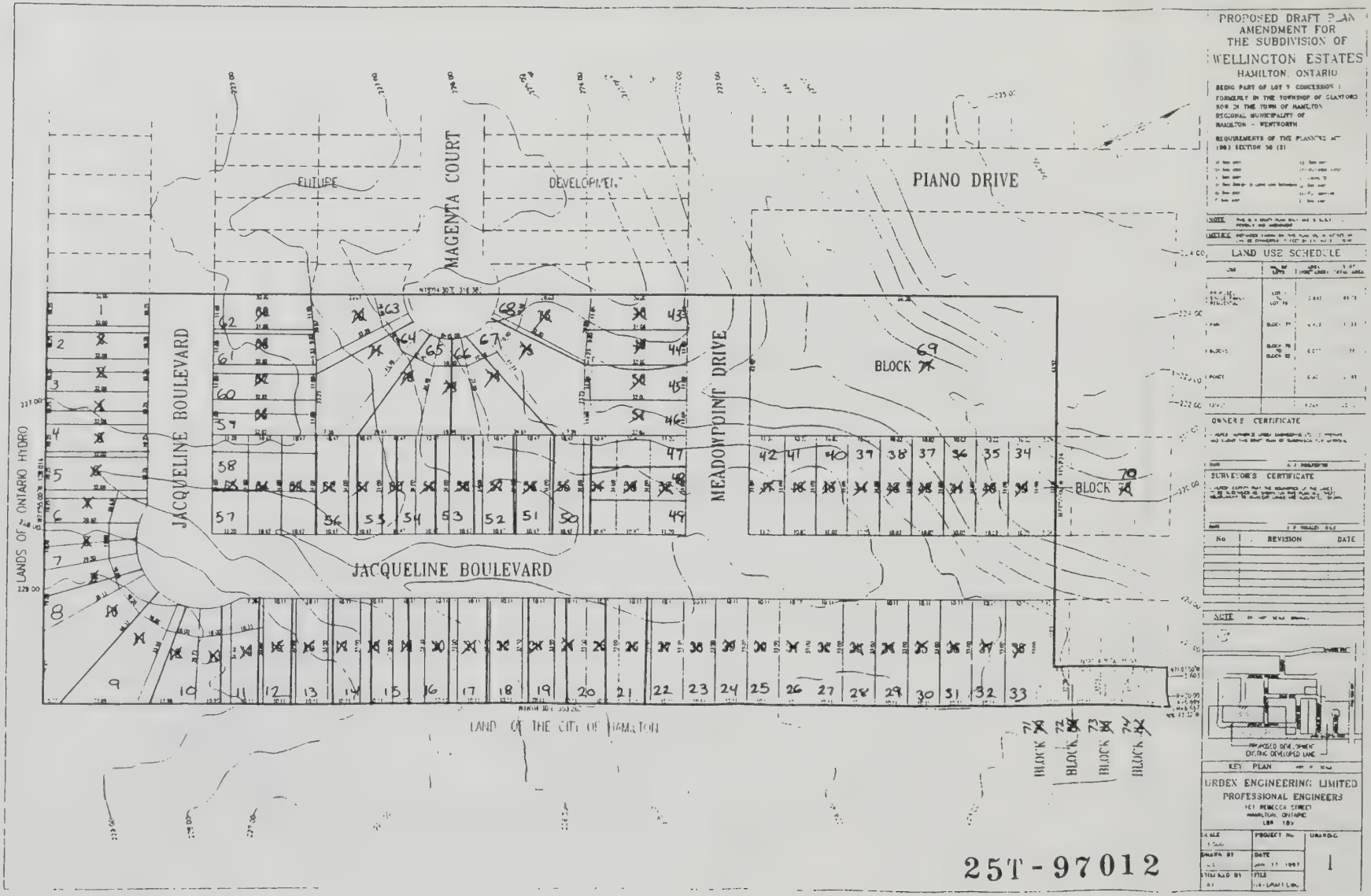


Legend

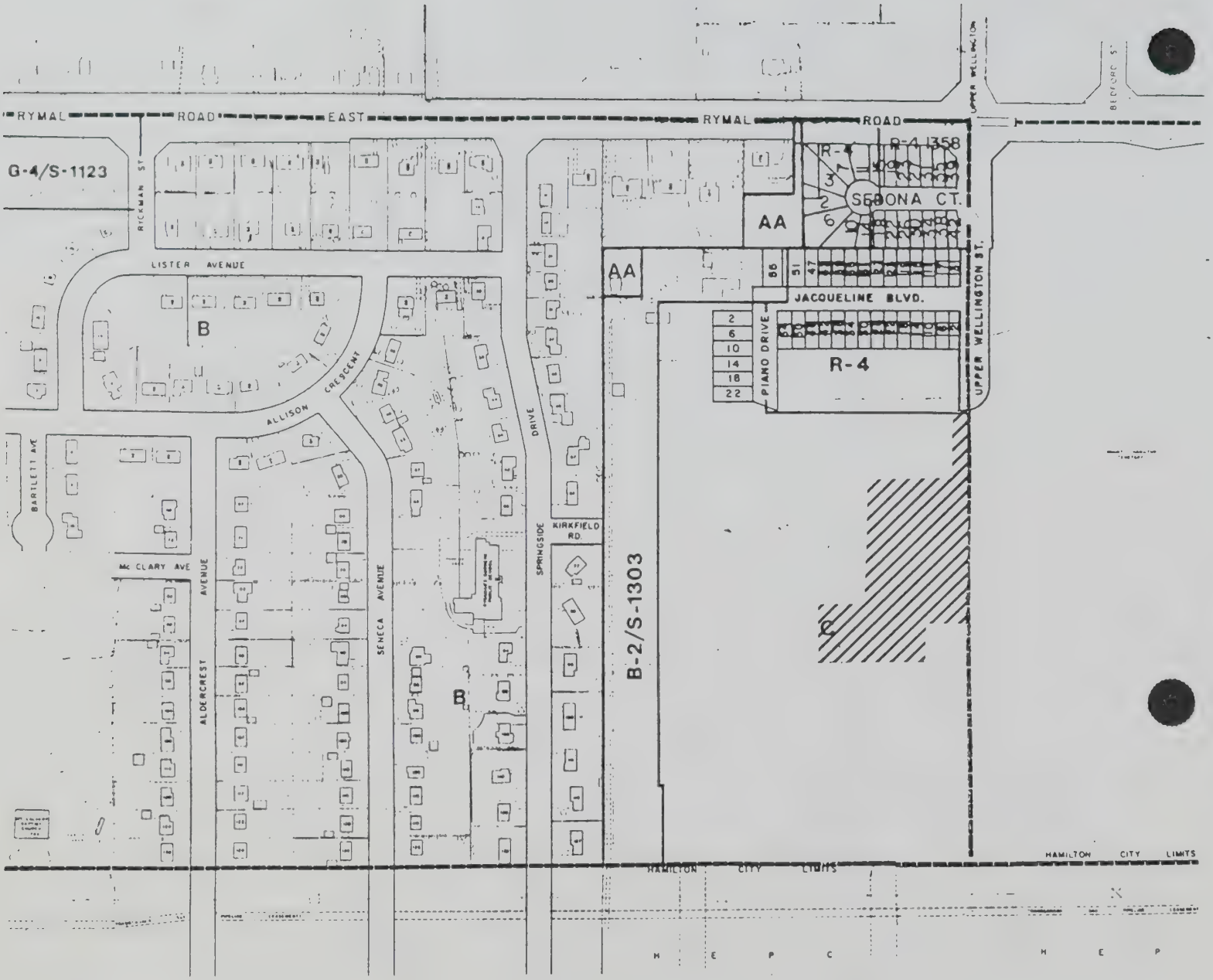
Site of the Application

ZAC-97-29

APPENDIX "


PROPOSED DRAFT PLAN
AMENDMENT FOR
THE SUBDIVISION OF
WELLINGTON ESTATES
HAMILTON, ONTARIO
LAND USE SCHEDULE
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
No. REVISION DATE
KEY PLAN
URDEN ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
ELLIPSE
MAGENTA COURT
DEVELOPMENT
PIANO DRIVE
JACQUELINE BOULEVARD
MEADOWPOINT DRIVE
BLOCK 69
BLOCK 70
BLOCK 71
BLOCK 72
BLOCK 73
BLOCK 74
LANDS OF ONTARIO HYDRO
LAND OF THE CITY OF HAMILTON
25T-97012

APPENDIX "B"



Legend

Lands to be rezoned from:

"C" (Urban Protected Residential etc.) District to "R-4" (small Lot Single Family Dwelling) District, as recommended by the Planning and Development Department.

Reference File No.	
ZAC-97-29	
Drawn By	Date
R.L.	Sept. 1997
Scale	
Not to Scale	
North	

APPENDIX "C"

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 24
(OP-Review)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Endorsement of *CityView*, Hamilton Official Plan Review

RECOMMENDATION:

That *CityView*, attached hereto, and marked Appendix "A", be endorsed as the guiding direction and policy framework for the development of Hamilton's new Official Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

None

BACKGROUND:

The Official Plan is Hamilton's key city planning document. The Official Plan guides and shapes development in the City and is the document that outlines where and how the City will grow and change.

To create an effective Official Plan for the City of Hamilton, it is essential for staff to liaise with individuals and organizations within the community to gather different perspectives of the broad planning issues and concerns that are confronting Hamilton. To achieve this input, the Planning and Development Department published a series of 24 background brochures describing a variety of city planning issues and concerns facing the community.

The brochures were designed to elicit ideas and opinions on a city planning ***vision*** for Hamilton. Planning and Development Department staff undertook an active public outreach exercise meeting with citizens, neighbourhood associations, community agencies and business organizations to discuss the content of the brochures and the planning issues confronting Hamilton. Acting as a facilitator at these meetings, staff assisted the respective individual or organization to articulate ***their*** city planning vision or *CityView* for Hamilton.

The visions and ideas obtained from the community touched upon a number of different themes and addressed several key planning issues. The common themes and ideas evident in the various visions received from the community formed the basis of the draft *CityView* developed by staff. The six theme areas within *CityView* are:

Downtown
Neighbourhoods
Natural Heritage
Economic Base
Community Well-Being
Infrastructure

Within each theme area is a brief description of the specific *CityView* and a number of detailed objectives providing guidance for the tone and direction of policies within the new Official Plan.

In early June, the draft *CityView* was forwarded to the approximately 70 individuals and organizations who participated in the earlier public outreach exercise for their comment and input. The Planning and Development Department needed this consultation to determine if the draft *CityView* was indeed appropriate and reflective of the desired future planning directions from across the community.

On June 23, 1997, a public workshop was held at City Hall to discuss the draft *CityView*. In attendance were over two dozen individuals including private citizens, representatives from several neighbourhood associations and other community and business organizations. On the whole, the message from the community was one of agreement and acceptance with the direction, themes and ideas presented in *CityView*.

A number of minor revisions were suggested at the public workshop and *CityView* has been revised accordingly. These revisions included, for example, recognition of safety and safe neighbourhoods, reference to public art as element of urban form and acknowledgment of noise concerns in residential neighbourhoods.

COMMENT:

CityView has identified the broad planning concerns confronting Hamilton. *CityView* represents a subtle shift in the focus of city planning policy and initiatives within Hamilton that has been in fact underway for a number of years. This planning focus is more inward-looking, more focussed on community-building within existing neighbourhoods. In essence, this focus is premised on ensuring the resources we already have in our community are the best they can be for both residents and businesses. It means capitalizing on our existing opportunities and strengths with the result of creating a more viable, attractive and self-sufficient community in the future.

The Downtown section of *CityView* is particularly relevant in this context as it seeks to build upon and fully recognize the assets that are already in place.

Upon Council endorsement of *CityView*, Planning and Development Department staff will actively develop our new Official Plan for Hamilton. It is anticipated a draft document will be available in early 1998. At that time, an extensive public outreach exercise will begin once again to gather more opinions and comments on the specific details of the draft Official Plan document.

KE/ke

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HAMILTON'S PLAN FOR TOMORROW

CITY VIEW

City of Hamilton Planning and Development Department 1997

WHAT IS YOUR CITYVIEW ? IT'S HERE!

APPENDIX "A"

In 1996, the City of Hamilton published a series of 24 background brochures describing a variety of city planning ideas, issues and concerns facing our community. At that time, we asked for your goals, ideas and thoughts for Hamilton in the future - what is your City View ?



After talking and listening to many citizens, neighbourhood associations, businesses and community agencies, our City View of Hamilton will unfold over the coming pages.

What is CityView?

The CityView is a vision that represents the collective values of our community. CityView describes where we want to be in the future. The CityView is being used to create Hamilton's key city planning document - the Hamilton Official Plan. The Official Plan is Hamilton's blueprint for the future. The Official Plan guides and shapes development in the City of Hamilton. It is the document that outlines where and how the City will grow and change.

CityView is woven around six important and interconnected city planning themes. Each of these themes details a specific vision and outlines objectives for the City of Hamilton to achieve over the coming years. These objectives will contribute to creating a better living environment for the residents of Hamilton into the 21st Century.

Our CityView is here! Let's embrace it and create a vibrant, healthy and attractive city through planning today for tomorrow.

Downtown

Since 1846, Downtown Hamilton has been the commercial, cultural, social and historic centre of Hamilton. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton is its clearly identifiable city centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in the Hamilton metropolitan area. The strength and vitality of Hamilton's Downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton to the betterment of their entire community.

Downtown CityView

"The Downtown is a community where people wish to live, work and visit."

The City of Hamilton has successfully created an environment which brings a greater number of people to live, work and visit Downtown. Through consumer expenditures and business investment, Downtown Hamilton is a strong, self-sustaining and viable community. As well, our future vision for the downtown incorporates all of the positive elements relating to heritage, economic base, infrastructure, neighbourhoods and community well-being.

Objectives

Enhance the Downtown as a safe and unique community and as the heart of the City and broader metropolitan area.

Encourage preservation and enhancement of the significant heritage resources in the Downtown.

Encourage and assist in the rehabilitation of buildings and/or new development in the Downtown to ensure their long term economic viability through innovative planning mechanisms, for example, a development permit system.

Focus municipal efforts on provision of streetscaping improvements, coordination of planning and development activity, and municipal services and infrastructure.

Promote continued development of the Downtown as the primary business, office, public transit, cultural, entertainment and administrative centre of the City.

Provide clear direction to the development industry on the desired visual and aesthetic character of the Downtown.

Neighbourhoods

Hamilton is a community of neighbourhoods, each with a unique character. We have a downtown neighbourhood, newer suburban neighbourhoods and older traditional urban neighbourhoods. Within these neighbourhoods there are different types of homes - apartments, townhouses, single-detached dwellings. There are curved street patterns and grid or block street patterns. There are large community parks and small neighbourhood parks. There are schools, libraries and other community facilities. Our neighbourhoods are a mix of all these uses. More importantly, our neighbourhoods are safe places where people can feel a sense of place and community ownership.

Over the past years, we have seen neighbourhoods in our community that have flourished, some that have declined and still others that have remained stable. There have been factors that have contributed to this including lifestyle choices, demographics and employment trends. Also, the diversity and individual uniqueness of Hamilton's neighbourhoods have become more apparent. Our city needs to embrace the diversity of neighbourhoods.

Neighbourhoods CityView

The character of our neighbourhoods has been strengthened and recognized. Citizens have the opportunity to stay in their neighbourhood or move to other parts of the City as lifecycle needs and wishes change.

Home-based businesses have been effectively integrated within neighbourhoods without adverse effects on the surrounding residential community. Walking and bicycling are more prevalent than using the car. Neighbourhoods are aesthetically attractive, clean, and safe.

Redevelopment and infill developments have maximized the use of the City's investment in existing roads, sewers, waste facilities, schools and recreational facilities, while fitting in to the existing character and scale of the neighbourhood.

Objectives

Recognize the strength of our neighbourhoods by:

- Identifying and promoting the historical and architectural factors that make our neighbourhoods unique;
- Encouraging the continued availability of different housing types while retaining neighbourhood stability;
- Supporting the retention, expansion or establishment of our community recreational, cultural and educational facilities as the focus of the neighbourhood;
- Promoting and actively seeking the involvement of residents in the local planning process; and
- Promote sensitive and appropriate development and redevelopment within neighbourhoods through the:
  - → adaptive re-use of underutilized buildings;
  - → infilling of vacant lots;
  - → establishment of alternative and more flexible development design standards; and
  - → encouragement of home-based businesses without disrupting the community character.

Natural Heritage

Our natural heritage is all around us. It consists of water, lakes, streams, shorelines, areas of natural and scientific interest, wetlands, marshes, the Niagara Escarpment, trees, forests, plant and animal habitats. These areas provide a home for wildlife and plants, and they are vital to human life and health.

Human activities have had an impact on our environment - the clean-up of Hamilton Harbour shows we each must be stewards of our environment. Some Environmentally Significant Areas (ESA's) have been lost while other areas of the City have been subject to erosion and flooding.

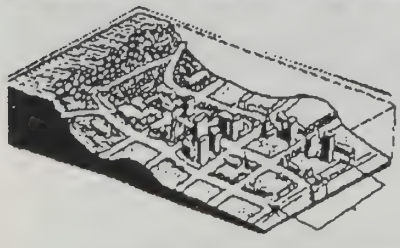
Natural Heritage CityView

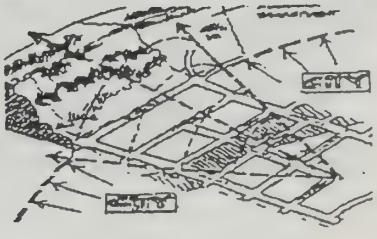
The natural areas of our community have been protected, preserved, and enhanced. City planning policies and objectives effectively manage change within the community and produce environmental benefits.

The Remedial Action Plan and the on-going work of the Bay Area Implementation Team and the Bay Area Restoration Council have resulted in the improvement of water quality and the overall natural habitat in Hamilton Harbour. The Hamilton Harbour and the Lake Ontario shoreline are community assets accessible to all.

Environmentally Sensitive Areas which include marshes, wetlands, the Niagara Escarpment and woodlots have been protected and preserved for future generations. There are no adverse impacts from adjacent and abutting developments.

An extensive pedestrian trail system with many links has been completed throughout the City.





Objectives

Improve the quality of groundwater, streams, creeks and the Hamilton Harbour by: 1) incorporating storm water management practices through the use of ponds, adopt-a-puddle and rain barrels; 2) utilizing a watershed planning approach in facilitating new development; and 3) supporting and encouraging the activities and efforts outlined in the Hamilton Harbour Remedial Action Plan.

Manage our natural heritage environment by: 1) ensuring any adjacant development does not adversely affect the natural integrity of Environmentally Significant Areas, wetlands and woodlands; 2) protecting animal and plant habitats; and 3) promoting a system of linkages between our natural heritage features through the use of trails, pathways and parks.

Explore alternative land use arrangements that would minimize travel by car. This would improve air quality by reducing vehicle emissions.

Economic Base

One of the keys to a healthy, dynamic city is the strength, diversity and success of the community's economic base. The challenge for the City of Hamilton is to be aware of broad market and economic trends and co-operate with the business community in their efforts to achieve on-going efficiencies and long-term profitability.

The economic base of the City of Hamilton has changed and there are a number of city planning implications arising from these changes.

- Though still a major employer, the manufacturing industrial sector is no longer as prominent in the community as it once was. This has resulted in many vacant and underutilized buildings and lands where soil contamination may be an issue.

- Traditional commercial retail strips along Hamilton's major thoroughfares have experienced difficulties as the population in adjacent neighbourhoods declines and newer suburban shopping malls provide formidable competition.

- More people are working out of their homes and this will continue to expand.

- Traditional industrial neighbourhoods are no longer occupied exclusively by industrial type uses. The East Mountain Industrial-Business Park, for example, is attracting non-traditional retail establishments and office uses.

Economic Base City View

A strong base of employment opportunities for Hamilton residents has been created, contributing to the long-term viability of the community. The City is aware of broad economic trends and their local planning implications and provides a flexible planning framework to facilitate change. There are many geographic areas suitable for a variety of employment opportunities.

Objectives

Facilitate people working out of their homes without negatively affecting the quality-of-life in residential neighbourhoods.

Promote flexibility for different employment types in the City's industrial neighbourhoods.

Ensure that market sensitive planning regulations are established to promote the re-use of vacant and underutilized industrial lands.

Promote the Port of Hamilton and specific districts within the Bayfront Industrial Area as the location for new manufacturing and recycling industries.

Work with retail merchants and Business Improvement Areas to strengthen their economic viability and market competitiveness of commercial retail areas. Develop a market niche for these areas to ensure long-term success.

Community Well-Being

Livability is the key to successful cities. Although Hamiltonians enjoy a high standard of living, there are increasing concerns regarding safety, noise, environmental quality, traffic congestion and other factors that affect the quality-of-life we enjoy. In addition, the traditional assumptions or principles about developing new neighbourhoods have changed. Much of the planning for new areas in recent decades was based on the notion of the traditional nuclear family, with dad commuting to work in the downtown and mom staying at home, with the children walking to school and coming home for lunch, along with a small commercial plaza nearby for milk and groceries.

Today, mom and dad may both work, perhaps commuting to another city. They pick up their groceries at a retail warehouse store and the children may attend school in a different neighbourhood because that is where the day care provider lives. These new social realities have to be considered in the planning and design of our new neighbourhoods.

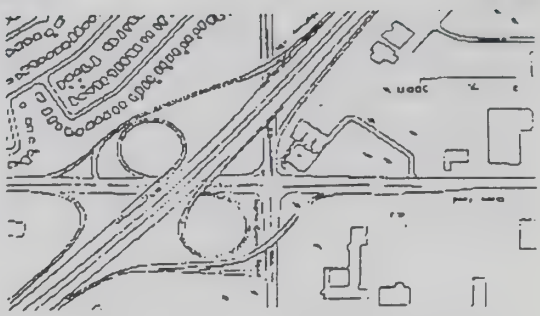
Community Well-Being CityView

Streets are more than utility corridors for motor vehicles. The street and streetscape are the critical design element that shape the quality of the community's environment. There are clear street patterns that provide pedestrian, bicycle, and transit access without sacrificing privacy and safety. On the Hamilton Mountain, the classic suburb has become a community, not just an agglomeration of houses, shops and offices connected by cars. Real and meaningful public spaces have been developed and complement the semi-public space of the shopping mall. The City's layout has been reworked to reduce people's dependence on the automobile. Strolling, walking and mingling with neighbours is possible!

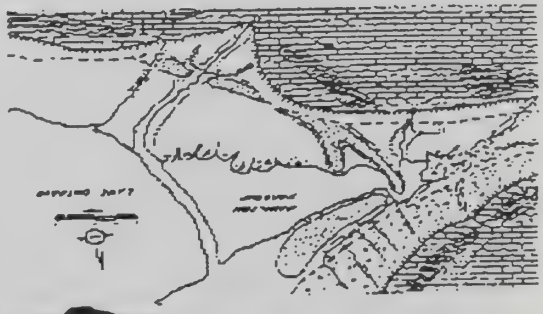
Objectives

- Minimize traffic congestion and reduce journey to work/travel times.
- Ensure all neighbourhoods are fully developed without vacant parcels, i.e., institutional sites/local commercial sites.
- Recognize public art as a desirable element of the streetscape and urban form.
- Provide commercial and retail opportunities for residents in their own neighbourhood.
- Provide greater employment opportunities for the residents of Hamilton.
- Create friendly streets through the implementation of traffic calming measures and urban design.
- Enhance the design and streetscape elements of the City; promote pedestrianisation.
- Maintain, enhance and promote the heritage resources of the community.
- Recognize and plan for community level facilities/amenities that serve areas beyond the immediate neighbourhood (e.g., community level sports parks, Hamilton Place).

Infrastructure



Infrastructure is a broad, generic term for a number of different features of our urban environment. Colloquially known as "flush, gush and drive", infrastructure in our community is both visible and invisible in our daily lives. It encompasses the roads we travel on, the water we drink in our homes, the rainwater that drains from our streets into the catchbasins and the waste water from our sinks, showers and toilets.



An efficient and easily adaptable infrastructure is essential for community well-being, economic stability and future urban growth and development. However, maintaining the existing infrastructure and providing for new infrastructure requires a considerable financial commitment from various levels of government and from proponents of new development.

Infrastructure CityView

The full use of the urban infrastructure has been maximized, capitalizing on the financial investment made in previous years.

Alternative infrastructure standards for new development reduces the required financial commitments, yet, at the same time, provides a comparable level of service for Hamilton consumers and businesses.

The standards or guidelines for the various components of infrastructure recognize the context and character of the particular neighbourhood or area of the City.

Objectives



Promote the effective and efficient use of the urban infrastructure already in place.

Review alternative standards for new infrastructure to reduce the upfront required financial costs, while maintaining community character and aesthetics.

Develop and apply flexible infrastructure standards that recognize the varied nature of Hamilton's neighbourhoods.

Where Do We Go From Here?

Staff of the Planning and Development Department are working on a draft of the new Official Plan for the City of Hamilton. The new draft Official Plan will capture the planning themes highlighted in CityView. When the draft Official Plan is completed, a major public outreach campaign will kick into gear to hear what Hamilton residents and other community partners have to say about the new Official Plan.

Once again, we will be calling on you shortly....



CityView

CityView Hamilton's Plan for Tomorrow is your opportunity to present your ideas and thoughts on the future of Hamilton.

Your ideas will ultimately form the basis of a new Official Plan for the City of Hamilton.

Staff of Hamilton's Planning and Development Department are available to answer your questions on any facet of CityView.

Ways to Contact Us...

Joanne Hickey-Evans at (905) 546-4229
Keith Extance at (905) 546-4158

FAX (905) 546-4202

E-Mail: city.hamilton.planning @ freenet.hamilton.on.ca

Mail to...

City of Hamilton
Planning and Development Department
7th Floor, City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

8.(a)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1997 September 29

REPORT TO: Stella Glover, Secretary
Planning & Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Enforcement of By-Law 84-35 with respect to Naturalized Areas on Private Property (97.2.4.2.1.A, 97.4.11)

RECOMMENDATION:

That the City Solicitor be authorized and directed to amend By-Law 84-35 as follows:-

(a) That Section 1 of By-law 84-35 be amended by adding the following definitions:

(i) "buffer strip" means a minimum 1.0m (3.28') wide border that surrounds a wildflower, meadow, or naturalized area on an occupied residential property.

Without restricting the generality of the foregoing, such a border may include:

1. turf grass
2. non-organic ground cover
3. organic ground cover, ie. hedges, etc., to a maximum height of 60cm (24"); and,

(ii) "turf grass" means a regularly maintained area to a maximum height of 20cm (8") consisting of a desirable turf grass species such as blue grass, fescue, and perennial ryes; and,

(b) That Subsection (4) of Section 2 be amended to include the following:

...in height" in defined turf grass areas. Wildflower, meadow and naturalized areas are permitted provided they do not encroach within a 1.0m (3.28') buffer strip of the lot line and that the areas are managed under the Weed Control Act (R.R.O. 1990).

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

No additional costs, staff, or legal implications.

BACKGROUND:

City of Hamilton's By-law No. 84-35 was passed for the purpose of maintaining lands in a clean and clear condition. The by-law is enforced by the Building Department for the purpose of requiring property owners to keep their lands free of garbage, refuse, and debris and in that process keeping grass and weeds cut to not exceed a maximum height of 20cm (8"). There is provision for the issuance of a Notice to the property owner to comply with the by-law and failure to do so may result in the City having the work completed and costs placed on the tax roll.

Over the last several years on a periodic basis, the Building Department has encountered properties where the owners wish to allow sections of their yard to grow in a natural state, which may contain wildflowers, some weeds, and various types of long grass beyond the conventional varieties. When these owners have been advised of the requirements for cutting and clearing to a height of no greater than 20cm (8") under this by-law, they have been somewhat disconcerted that they in fact would not be allowed to do the same as the City itself has done throughout various areas with naturalized uncut properties. The key to be able to allow such areas, is to have sufficient buffer strips surrounding the properties and an adequate control of the weeds growing to prevent any adverse health effects. The naturalized areas that have been allowed, act as attractive areas for butterflies and other harmless creatures and when properly maintained within set guidelines, have a certain appeal.

Other municipalities in Ontario who have similar yard by-laws in place have put amendments into their by-laws to allow such controlled natural areas and they report that there has been excellent acceptance by the public. In addition, an amendment of this kind would give the City's Inspectors some latitude in dealing with these requests and would provide guidance in allowing a compromise.

The number of property owners requesting special consideration is not great nor is it anticipated to become so, however, the corporation would be perceived to be functioning on this issue in a fair and even handed manner.

It is proposed that there should be a 1.0m (3.28') buffer zone to be defined in the by-law around the naturalized area and that while harmless weeds, wild flowers, and grass will be allowed to grow freely, any weeds that are harmful to the health of humans and are on the noxious weed list under the Weed Control Act could be ordered removed. The conditions of the naturalized area will be spelled out in the definition section of the current by-law.

.../3

Permitting such a use should prove to be very helpful to persons having larger than average sized residential lots and should permit them to derive greater enjoyment of their properties.

For the information of the Committee, an enforcement policy change was passed in 1993 which allowed 30-foot wide buffer strips to be cut around large undeveloped fields which were located adjacent to street frontages or occupied properties. There have been no reports of adverse effects from this amendment received to date.

LCK/DJI

cc P Noé Johnson, City Solicitor

CORPORATION OF THE CITY OF HAMILTON

CITY CLERK'S OFFICE

****

TO: Secretary
Planning and Development Committee

YOUR FILE:

FROM: Kevin Christenson, Acting Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **Official Plan Amendment No. 141 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood**

DATE: 1997 October 2

Attached is a copy of Section 2 of the Fourteenth Report of the Planning and Development Committee for 1997 which was referred back by City Council at its meeting held 1997 September 30th.

KCC/mjw

c. V. Abraham, Director
Planning and Development Department

Sub-joined is a copy of Section 2 of the Fourteenth Report of the Planning and Development Committee for 1997 which was referred back by City Council at its meeting held 1997 September 30.

"(a) That approval be given to Official Plan Amendment No. 141 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on Appendix "C" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as Appendix "D" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated 1997 June 9, showing 249 lots for single detached dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as Appendix "E"; and,

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(viii) That Blocks 266 and 267 be developed in conjunction with the adjacent lands; and,

(ix) That Blocks 250 and 265 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 250 and 265 be developed in conjunction with the abutting lands; and,

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department; and,

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiii) That if the development of Blocks 264 and 265 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiv) That Street A must be established to a minimum width of 26m from the southerly limits of Rymal Road West to a point approximately 90 metres southerly to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(xv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A; and,

(xvi) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m; and,

(xvii) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances; and,

(xviii) That Street G be established at 20m instead of 18m; and,

(xix) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width; and,

(xx) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision; and,

(xxi) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m; and,

(xxii) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on Appendix "F" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department; and,

(xxiii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street; and,

(xxiv) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant; and,

(xxv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes; and,

(xxvi) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J; and,

(xxvii That the street line adjacent Lots 229, 230 and 231 be realigned to provide a straight transition into the cul-de-sac bulb; and,

(xxviii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(xxix) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,

(xxx) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xxxi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(e) That the approved Carpenter Neighbourhood Plan be amended as shown on Appendix "F", to revise the local road pattern and park location as per the proposed draft plan of subdivision."

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 18
(SAC-97-04)
Carpenter Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Official Plan Amendment and Draft Plan of Subdivision "Paradise Meadows" (File No. SAC-97-04/Regional File 25T-97009)

REVISED

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on APPENDIX "C" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated June 9, 1997, showing 249 lots for single detached

dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as APPENDIX "B".

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development.

(v) That the final plan conform with the Zoning By-law approved under the Planning Act.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(viii) That Blocks 266 and 267 be developed in conjunction with the adjacent lands.

(ix) That Blocks 250 and 265 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 250 and 265 be developed in conjunction with the abutting lands.

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the

Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department.

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

(xiii) That if the development of Blocks 264 and 265 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

(xiv) That Street A must be established to a minimum width of 26m from the southerly limits of Rymal Road West to a point approximately 90 metres southerly to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

(xv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A.

(xvi) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m.

(xvii) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances.

(xviii) That Street G be established at 20m instead of 18m.

(xix) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width.

(xx) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision.

(xxi) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m.

(xxii) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on

APPENDIX "D" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department.

(xxiii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street.

(xxiv) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant.

(xxv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes.

(xxvi) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J.

(xxvii) That the street line adjacent Lots 229, 230 and 231 be realigned to provide a straight transition into the cul-de-sac bulb.

(xxviii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of

the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

(xxix) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

(xxx) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xxxi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(e) That the approved Carpenter Neighbourhood Plan be amended, as shown on APPENDIX "D", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners.

Agent:

Serge Manchia, Planning and Engineering Initiatives.

Surveyor:

W. M. Fenton, W.M. Fenton Limited Surveyors.

Location:

The lands are located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road in the Carpenter Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is irregular in shape with a total lot area of 21.45 ha and has frontage along Rymal Road West and Garth Street.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family) District
to the south	Vacant (TransCanada Pipeline and Hydro Corridor)	N/A (Town of Glanbrook)
to the east	Multiple Residential	"DE" (Low Density Multiple Dwellings) District, modified
to the west	Single Detached Dwellings and Vacant Lands	"C" (Urban Protected Residential, etc.) District and "A" (Conservation, Open Space, Park and Recreation) District

Subdivision Proposal:

The subdivision, as revised, is to allow for the development of the subject lands for:

- 249 lots for single detached dwellings;
- 14 blocks to be developed for street townhouse units;
- 2 blocks to be developed for condominium townhouse units;
- 1 block for parkland; and,
- to establish 10 streets.

A copy of the proposed subdivision, has been revised in the vicinity of the future school sites in accordance with the approved neighbourhood plan in order for Street B to intersect with the future extension of Garth Street at a location that provides adequate site lines for vehicles turning onto the future Garth Street. In addition to improved site lines, this will provide for access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street. The proposed plan of subdivision, as revised in red, is attached as APPENDIX "B".

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential" and "Open Space". The proposed development conflicts with the Official Plan.

The proposed plan of subdivision will require an Official Plan Amendment for the following (see APPENDIX "C"):

- to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites "Open Space" to "Residential" (shown as Lots 142 - 148, inclusive and Blocks 257 - 260, inclusive); and,

- to redesignate a 1.04 hectare parcel of land (shown as Block 268) abutting the westerly park site from "Residential" to "Open Space".

The OPA is required as a result of the consolidation of the two parklands sites into one larger site.

Neighbourhood Plan:

The proposed plan of subdivision will require an amendment to the Carpenter Neighbourhood Plan to revise the local road pattern and park location as per the proposed draft plan of subdivision (see APPENDIX "D").

Zoning:

The subject lands are zoned "AA" (Agricultural) District. The proposed plan of subdivision will require a future application for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department has submitted the following comments and recommendations:

"**INFORMATION**

1. Any roadway improvements on Rymal Road at Street A, required as a result of this development approval, may be at the expense of the subdivider.

RECOMMENDATIONS

1. That Street A must be established to a minimum width of 26m from Rymal Road to a point approximately 90 metres southerly.

2. That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A.

3. That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m.

4. That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances.

5. That Street G be established at 20m instead of 18m.

6. That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width.

7. That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision.

8. That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m.

9. That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan.

10. That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the

road widenings to establish the 26m road allowance be established equally on each side of the street.

11. That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant.

12. That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes.

13 That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J.

14. That the street line adjacent Lots 224, 225 and 226 (red-line revised as 229, 230 and 231) be realigned to provide a straight transition into the cul-de-sac bulb.

15. That phasing of development in this subdivision must be to the satisfaction of the City of Hamilton Department of Public Works and Traffic and the Regional Environment Department.

16. That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by Planning & Engineering Initiatives Ltd. dated June 1997 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised of the following comments regarding the proposed plan of subdivision:

"We recommend that the collector street providing access to Rymal Road be modified to provide the appropriate 26.0 m road allowance and the required daylight triangles.

We recommend that the east end of Street "B" be modified to provide the 26.0 m road allowance centred on the 20.0 m road allowance to the west rather than be offset to the south. In addition, we recommend that the location of Street B be modified to match the location shown in the approved neighbourhood plan in order for Street B to intersect with

the future extension of Garth Street at a location that provides adequate site lines for vehicles turning onto the future Garth Street. In addition to improved site lines, this will provide for access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street.

We recommend that the development of the lands designated as single family lots and the townhouse blocks 249 to 258 (red-line revised as 254 to 263) be conditional upon the Upper Paradise Road Extension and Street "A" being established and constructed to the full width to provide a minimum of two points of access to arterial roads.

The development of Blocks 259 and 260 (264 and 265) without the establishment and construction of the future south extension of Garth Street will require that a temporary turnaround be provided at the easterly limits of Street "B".

We recommend that if the development of these lands is to be staged that the staging be shown on the plan. In addition, we recommend that any dead end streets resulting from the staging of development include the provision of temporary turnarounds.

Based on the current plan, the only roadway access being provided to the proposed Separate School is Street 'G'. Given the potential traffic associated with the school development, it would appear that potential property owners of lots adjacent to Street 'G' should be made aware of this situation. We therefore recommend that a notice be registered on the title of all lots adjacent to Street 'G' informing them of the fact that this roadway will serve as the school access point."

In addition, the Traffic Division provided the following comments regarding the proposed Official Plan Amendment:

"We have no comment regarding the redesignation of parkland in the neighbourhood, however, we recommend that all issues related to the road pattern within the neighbourhood be resolved prior to proceeding with the amendment."

- The Building Department has advised:

"1. All of the lands with respect of the draft plan of subdivision are located in the "AA" district.

2. The "AA" district does not permit the use of townhouse dwellings.

3. For the purpose of the construction of single family dwellings, the requirements of the "AA" district are as follows: a minimum lot width of 60.0m; a minimum lot area of 12,000 m^2; a minimum front yard of 12.0m; a minimum side yard of 4.5m; a minimum rear yard of 10.5m.

4. Every lot must, for a distance of 4.5m, abut upon a public highway of a width of at least 12.0m.

5. The proposed Street "A" does not appear to be connected to Rymal Road West."

- The Parks Division, Department of Public Works and Traffic has advised:

"Parks Division staff have reviewed the attached plan which illustrates the amalgamation of the two parcels of parkland within the Carpenter Neighbourhood to one site and are satisfied with the proposed parkland configuration. We also understand that an Official Plan Amendment will be required to accommodate the parkland reconfiguration."

- The Hamilton Region Conservation Authority has advised that approval of the application should be subject to the following:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan will include the following:

a) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a stormwater management plan for the subject property. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented."

COMMENTS:

1. The Parks Division has requested that the park blocks be consolidated to provide for more flexibility in the design and programming of the park. The applicants have agreed to the

proposed park consolidation and subsequent changes to the local road pattern.As a result of the consolidation of the park blocks within the Carpenter Neighbourhood, the proposal requires an Official Plan Amendment as follows:

- to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites "Open Space" to "Residential" (shown as Lots 147 - 153, inclusive and Blocks 262 - 265, inclusive); and,

- to redesignate a 1.04 hectare parcel of land (shown as Block 273) abutting the westerly park site from "Residential" to "Open Space".

2. The proposed plan of subdivision will require an amendment to the Carpenter Neighbourhood Plan to revise the local road pattern and park location as per the proposed draft plan of subdivision.

3. The proposed plan of subdivision has been revised to match the location shown in the approved neighbourhood plan in order for Street B to intersect with the future extension of Garth Street at a location that provides adequate site lines for vehicles turning onto the future Garth Street. In addition to improved site lines, this will provide for access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street.

4. The proposed plan of subdivision will require a future application for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District.

CONCLUSION:

On the basis of the foregoing, the application as revised in red, can be supported.

SUB97-04.RPT

10.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 1
ZAC-97-06

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street

SECOND REPORT

RECOMMENDATION:

A. As per the Planning and Development committee's recommendation of 1997 June 18, the following resolution be forwarded to Council:

That approval be given to amended Zoning Application 97-06, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District modified, to construct a four (4) storey 12 unit apartment building, for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(ii) That the lands be rezoned from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District;

(iii) That the "DE-2" (Multiple Dwellings) District regulations, as contained in Section 10B of Zoning By-law No. 6593, applicable to subject lands, be modified to include the following variances as special provisions:

a) That notwithstanding Section 10B (2)(ii), no building or structure shall exceed four (4) storeys and 16.5 m in height;

b) That Section 10B (3)(i)(b), shall not apply to the subject lands;

c) That notwithstanding Section 10B (3), the following yards shall be provided and maintained:-

i) a side yard of a depth not less than 1.7 m shall be provided along the entire southerly boundary of the subject lands;

ii) a rear yard of a depth not less than 3.0 m shall be provided along the entire westerly boundary of the subject lands;

d) That notwithstanding Section 10B (5), a maximum gross floor area of 1,384.0 m^2 (14,900 S.F.) and twelve (12) units shall be permitted on the subject lands;

e) That notwithstanding Section 18A (1), nine (9) parking spaces shall be provided and maintained on the subject lands;

f) That notwithstanding Section 18A (1)(c), one (1) loading space at 9.0 m x 3.0 m x 4.3 m shall be provided and maintained on the subject lands;

g) That notwithstanding Section 18A (7), only one (1) parking spaces at 2.7 m x 5.7 m shall be provided and maintained on the subject lands;

h) That notwithstanding Section 18A (11), the boundary of the parking area will be 1.35 m (4.5 feet) from the adjoining residential district boundary and 5.85 m (19.19 feet) from the northerly property line;

i) That Section 18A (12)(c), shall not apply to the subject land;

j) That Section 18A (32) & (33), shall not apply to the subject lands;

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-4 be notated S- ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council; and,

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District modified,

for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached key map.

The effect of the By-law is to permit a four (4) storey 12 unit apartment building. In addition, the By-law provides for the following variances as special requirements:-

- to permits a minimum front yard of 0.0 m (0.0 feet) along the entire easterly lot line (Wellington Street) whereas 3.39 m (11.12 feet) is required;
- to permits a minimum side yard of 1.7 m (5.57 feet) along the entire southerly lot line of the subject lands whereas 5.80 m (19.02 feet) is required;
- to permits a minimum rear yard of 3.0 m (10 feet) along the entire westerly lot line of the subject lands
- to permit a building or structure that is four (4) storeys and 16.5 m in height whereas eight (8) storeys or 26.0 m is permitted;
- to permits a maximum gross floor area of 1,384.0 m^2 (14,900 S.F.) and twelve (12) units on the subject lands whereas 570.60 m^2 (6,142.8 S.F.), 0.9 x lot area is permitted;
- to permit nine (9) parking spaces on the subject lands whereas ten (10) parking spaces are required;
- to permit one (1) loading space with a minimum width of 3.0 m on the subject lands whereas a minimum with of 3.7 m is required;
- to permit one (1) parking spaces at 2.7 m x 5.7 m whereas 2.7 m x 6.0 m is required;
- to permit the boundary of the parking area to be 1.35 m (4.5 feet) from the adjoining residential district boundary, whereas the 1.5 m (5.0 feet) is required, and 5.85 m (19.19 feet) from the northerly property line;
- to permit the elimination of a 1.2 m to 2.0 m visual barrier along the southerly lot line whereas a visual barrier is required; and,
- to permit the required loading space to encroach partially within the manoeuvring isle/access driveway whereas it is required to be free and clear of the manoeuvring isle/access driveway;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

N/A

BACKGROUND:

It is the applicant's intention to construct a four (4) storey 12 unit apartment building (See Appendix "B").

Zoning Application 97-06

At the June 18, 1997 meeting of the Planning and Development Committee, the committee resolved to table the matter in order that the applicant can put in an application under Rental Housing Protection Act and in order that the applicant can go before the Regional Transportation Services Committee with regard to the road widening issue.

With respect to the application under Rental Housing Protection Act a subsequent inspection by the Building Department has revealed that only four (4) units exist on the subject lands. Therefore, the Rental Housing Protection Act is not applicable.

With respect to the road widening issues the applicant has revised the plan so that the development can proceed given the required road widening, as per the Regional Environment Departments requirement.

In the first report, staff recommended denial of the application on the following basis:

- Although the development provides for housing opportunities in the downtown, the proposal represents an over intensification of land use in that the lot area is too small for the twelve (12) unit apartment building (i.e. 1.23 x lot area is proposed whereas 0.9 x lot area is permitted); the landscape area is only 15% of the lot area whereas 25% of the lot area; and the building does not meet the minimum front, side, and rear yards setbacks;

- The proposal conflicts with the intent Official Plan in that adequate off-street parking spaces, landscaping and buffering, and maintenance of street landscaping will not be provided;

- The proposal does not provide adequate parking, loading and manoeuvring spaces on site which will result in negative spill-over effects within the road allowance;

- Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

Zoning Application 89-103

At the April 3, 1990 and April 10, 1990 meetings of the Planning and Development Committee and City Council respectively, **denied** Zoning Application 89-133 as recommended. At that time it was the applicant intention to construct a two-storey building to be used as offices for a real estate company and a property management company.

Zoning Application 90-20

At the July 24, 1991 and July 30, 1991 meetings of the Planning and Development Committee and City Council respectively, **denied** Zoning Application 90-20 as recommended. At that time it was the applicant intention to construct a two-storey office building 632.0 m^2 (6,802 Sq. ft.).

These matters were then appealed to the Ontario Municipal Board and a hearing was set for October 15, 1992 which was subsequently abandoned by the applicant.

APPLICANT:

Fiore & Valley Manganiello, owners.

LOT SIZE AND AREA:

- 31.5 m (103.6 feet) of lot frontage on Wellington Street North;
- 24.7 m (81 feet) of lot frontage on Wilson Street; and,
- 778.0 m^2 (8,373.0 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Attached Houses	"L-mr-2" (Planned Development - Multiple Residential) District
Surrounding Lands		
to the north and south	Apartment building	"E-3" (High Density Multiple District, modified
to the west	Attached houses	"L-mr-2" (Planned Development - Multiple Residential) District
to the east	Commercial	"H" (Community Shopping and Commercial, etc.) District, modified

OFFICIAL PLAN:

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA as shown on Schedule "A" will be for the following uses:

ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;

In addition to the above, the subject lands are also located with SPECIAL POLICY AREA 3 on Schedule "B" - Special Policy Areas. The following policy should also be noted:

"2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;"

Furthermore, the following policy should also be noted:

"A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

ii) Alteration of traffic flows;

iii) Improvement and maintenance of street landscaping;

vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;"

The proposal conflicts with the intent of the Official Plan in that adequate off-street parking spaces, landscaping and buffering, and maintenance of street landscaping will not provided. However, if the application is approved, an Official Plan Amendment is not required.

NEIGHBOURHOOD PLAN:

The lands are designated "LOW DENSITY APARTMENTS/STACKED TOWNHOUSES" on the approved Beasley Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department has reviewed the application and has advised:

  "1. In our previous letter dated May 22, 1997, we recommended that a 2.0m road allowance widening on Wilson Street be dedicated to the Region for road widening purposes as a condition of development approval. It appears that the applicant has provided for a 2.0m road widening on the plan (6' - 6.75" is 2.0m not 1.975m) and we recommend that this road widening dedication to the Region, taken along the entire frontage on Wilson Street, be made a condition of development approval.

  2. We recommend as a condition of development approval that a strip of land 3.048m (10 feet) in width, along the entire frontage on Wellington Street, be dedicated to the Region for road widening purposes. The road widening dimensioned as 3.0 m is incorrect.

  3. We recommend as a condition of development approval that a 3.048m by 3.048m daylight triangle, taken from the widened limits of Wilson Street and Wellington Street, be dedicated to the Region for road widening purposes.

  4. At the previous meeting of the Planning and Development Committee, the owner's consultant had committed to meeting with the Department to resolve the extent to which portions of the structure may encroach onto the above noted road

widenings. To date we have not been contacted by the owner nor his consultant on this matter.

5. The proposed doors adjacent to Wellington Street are not permitted to swing out onto the widened limits of Wellington Street and the site plans must be revised accordingly.

6. The entrance and exit signs must be relocated to private property only to the satisfaction of the City of Hamilton Department of Public Works and Traffic.

7. We have reviewed these plans on the basis that the access from Wilson Street will function and be signed as a one-way entry to the site only and that the access to Wellington Street will function and be signed as a one-way exit from the site only. Our requirement for daylight visibility triangles entering the roadways are based on this traffic circulation.

8. We recommend that minimum 3m by 3m daylight visibility triangles be established between the widened road allowance limits and each side of the access to Wellington Street in which the maximum height of any object or mature vegetation must not exceed 0.60m above the corresponding perpendicular centreline elevation of Wellington Street. The wall on the north side of the access must be reduced in height accordingly and the wall on the south side of the access must be modified to incorporate this requirement.

9. It is unclear what a "RWL" is on the plan. It appears from the plan that this feature is part of the structure. We require further detail on this notation and also advise at this time that no portion of the structure of the building is permitted to encroach into the Wilson Street, Wellington Street and the daylight triangle road allowances, as widened, subject to clause 4 above.

10. The existing and/or proposed fences should be setback a minimum of 3.0 m (prefer 5.0 m) from the widened road allowance limits of Wellington Street and Wilson Street.

11. There appears to be some discrepancies on the plan with respect to the height of the first floor of the building above the driveway. The site plan indicates 14'- 3" while the elevation plan indicated 14'- 0". This requirement should be resolved between the applicant and the City Traffic Division.

12. We recommend that these lands be developed through site plan control at which time further comments on grading, landscaping, access, etc. will be provided. All setbacks under the Zoning by-law must be taken from the widened road allowance limits of Wilson Street and Wellington Street. Any eave encroachments into the road allowances, as widened, remain at the pleasure of Regional Council and must conform to the provision of the Region of Hamilton-Wentworth Road Use By-law. It is our recommendation that these eaves be on private property only.

13. The eavetroughing, facia, flashing, door trim and railing, balconies or patios (if any) must be located in accordance with the Region's Road Use By-law, subject to any agreement arising from clause 4 above.

14. Any landscaping within the Wilson Street and Wellington Street road allowances, as widened, and the daylight triangle must be reviewed and approved by the Forestry Section of the City of Hamilton Public Works and Traffic."

- The Traffic Department has advised that:

"We recommend that the access to Wilson Street be widened to the west, as shown on the attached plan, to provide adequate manoeuvring for single unit trucks to enter the parking area.

In addition, we recommend that the access to Wellington Street be modified, as shown on the attached plan, to provide adequate manoeuvring for single unit trucks to exit onto Wellington Street. This will also require the relocation of the "Exit Only" sign at the access.

We recommend that the dimension shown on the elevation plan for the driveway clearance, 14.0 ft., be modified to be consistent with the dimension shown on the site plan, 14ft 3in. It should be noted that the internal manoeuvring for single unit truck is marginal at best and we suggest that the applicant consider modifying the driveway in the area of the elevator location to improve the truck manoeuvring.

We approve the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Division, Department of Public Works and Traffic for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must submitted. The plan should accurately indicate the location of the existing curbs and all street fixtures which may affect location i.e. poles, fire hydrants, trees, etc.

- The Building Department has advised that:

"1. Due to the new proposed building height of 16.475m, please note the revised required setbacks would be as follows:

Easterly Front Yard (Wellington): 3.39m (not provided)
Southerly Side Yard: 5.80m (not provided)
Northerly Side Yard (Wilson Street): 3.0m (provided)
Westerly Rear Yard: 6.39 (not provided)

Due to information missing (only east elevation provided and no floor plans), the setbacks calculated were based on balconies, sunroom or any window of a habitable room overlooking the yard. Please note, balconies may encroach into the required yards as per Section 18A(3)(vi)(cc). Cannot determine compliance.

2. A 12 unit multiple dwelling requires 10 parking spaces. The site plan indicates a total of 9 spaces. Also, clarification should be made, in respect to parking space

#7, it appears the minimum 2.7m x 6.0m space cannot be provided without encroaching into the manoeuvring/driveway area (of the 10 required spaces, 2 spaces are required to be marked as visitor parking).

3. One (1) loading space is required, minimum size of 9.0m x 3.7m x 4.3m. This space is to be clear and unobstructed, the proposed layout indicates the door swinging outward and encroaching into required loading space. The required loading space, depth of 9.0m has not been provided. It does not comply with Sections 18A(32) and 18A(33) of Zoning By-law 6593. Therefore, the loading space provided does not comply as shown.

4. The parking area located along the westerly property line, within 3.0m of the residential district, is required to be a minimum depth of the front yard required in the L-MR-2 District [18A(11)(b)]. Cannot determine this compliance due to the planned development area.

5. The required landscaped area with a planting strip is not permitted to contain grass ornamental shrubs or trees or both are to be provided only.

6. A visual barrier (minimum height of 1.2m to 2.0m) along the southerly lot line, is required to be provided. The chain link fence is not permitted.

7. Please note the parking and loading requirements are required to be provided as per Zoning By-law 6593 (By-law 97-015 does not apply).

8. The previous comments as stated in the letter dated April 22, 1997, 1(A), 1(C), 1(D), 1(E), 1(G), 2,3,5,6,7,8 and 9, are still applicable.

COMMENTS:

1. With respect to the application under Rental Housing Protection Act a subsequent inspection by the Building Department has revealed that only four (4) units exist on the subject lands. Therefore, the Rental Housing Protection Act is <u>not applicable</u>.

2. With respect to the road widening issues the applicant has revised the plan so that the development can proceed given the required road widening, as per the Regional Environment Department comments. However, the applicant has advised that the following items will encroach into the road allowance and request that the appropriate agreements be established at the site plan approval stage of development.

   i) The proposed doors adjacent to Wellington Street will swing out onto the widened limits of Wellington Street which is necessary to meet fire code regulations.

   ii) "RWL" are rain water leaders, that will encroach into the Wellington Street road allowance, as widened.

   iii) Landscaping, eavetroughing, facia, flashing, door trim and balcony railings will encroach into the Wellington Street road allowances, as widened.

The Regional Environment Department has advised that the above-mentioned encroachments, excluding the proposed door that will swing into the road allowance, can be accommodated by way of an encroachment agreement at the site plan approval stage of development.

3. The applicant has provided the Building Department with the necessary details (i.e. site plan) of the development and the specific variances to the by-law have now been determined (see Appendix "B").

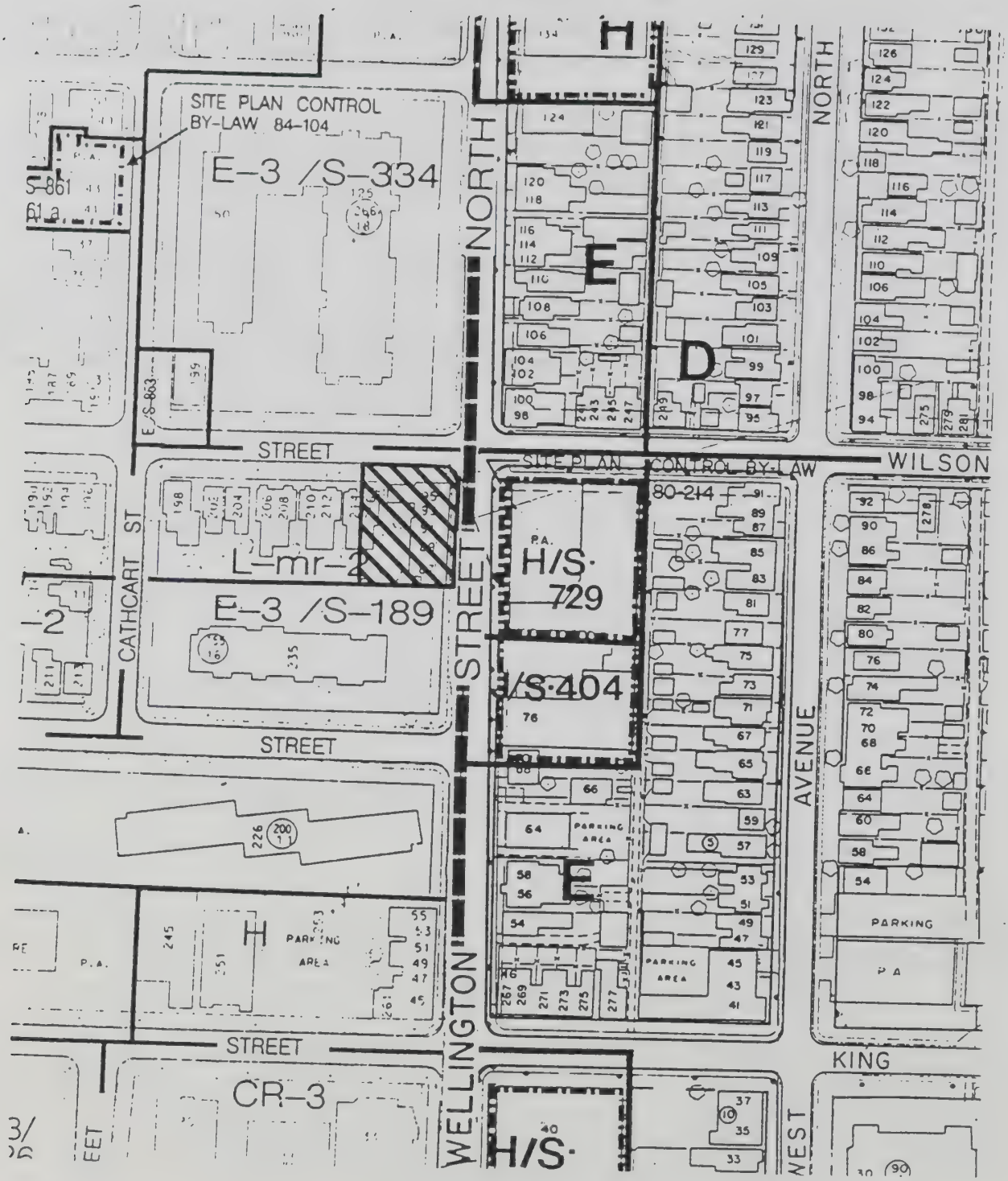
4. The "DE-2" (Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to road widenings, dedications, encroachment agreements, access, parking, loading, landscaping, grading, fencing, lighting, signs, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION:

Based on the foregoing, the recommendation can be forwarded to Council for approval.

JL/jl

WPZAC9706



Legend

Change in zoning:

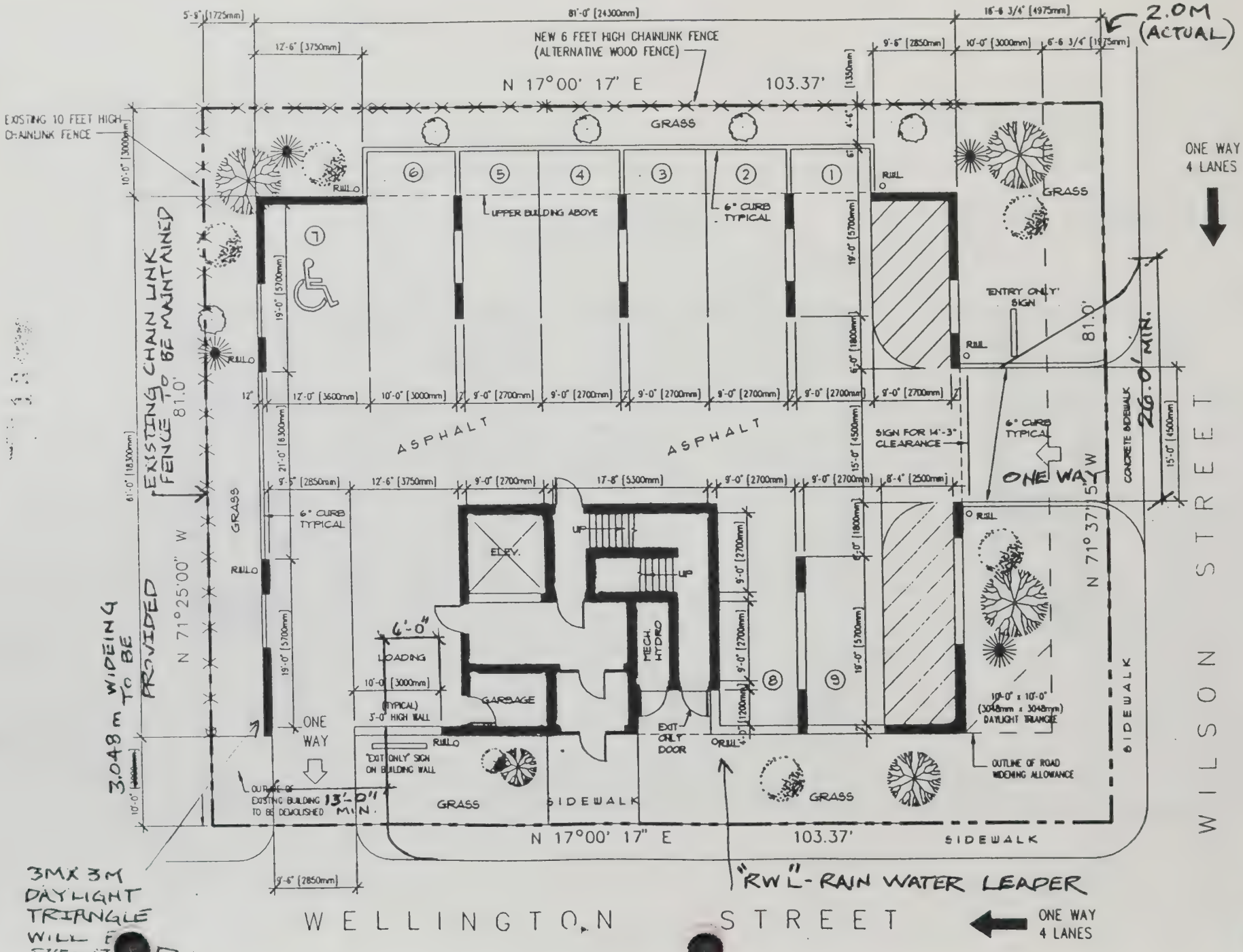
From: "L - Mr - 2" (Planned Development) Multiple Residential

To: "DE - 2" (Multiple Dwellings) District, Modified

ZAC-97-06

APPENDIX A

APPENDIX B


2.0M (ACTUAL)
NEW 6 FEET HIGH CHAINLINK FENCE (ALTERNATIVE WOOD FENCE)
N 17°00' 17" E 103.37'
EXISTING 10 FEET HIGH CHAINLINK FENCE
GRASS
ONE WAY 4 LANES
UPPER BUILDING ABOVE
6" CURB TYPICAL
ENTRY ONLY SIGN
EXISTING CHAIN LINK FENCE TO BE MAINTAINED
81.0'
N 71°25'00" W
ASPHALT
ASPHALT
SIGN FOR 14'-3" CLEARANCE
ONE WAY
CONCRETE SIDEWALK
26.0' MIN.
N 71°37'
ELEV.
MECH. HYDRO
LOADING
GARBAGE
(TYPICAL) 3'-0" HIGH WALL
ONE WAY
EXIT ONLY DOOR
"EXIT ONLY" SIGN ON BUILDING WALL
OUTLINE OF EXISTING BUILDING TO BE DEMOLISHED
13'-0" MIN.
10'-0" x 10'-0" (3048mm x 3048mm) DAYLIGHT TRIANGLE
OUTLINE OF ROAD WIDENING ALLOWANCE
SIDEWALK
3.048 m WIDEING TO BE PROVIDED
WILSON STREET
N 17°00' 17" E 103.37'
SIDEWALK
"RWL"- RAIN WATER LEADER
3MX 3M DAYLIGHT TRIANGLE WILL BE PROVIDED
WELLINGTON STREET
ONE WAY 4 LANES



APPENDIX B CONT'D

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 October 8
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

(i) Minutes of the meeting held 1997 September 24

(ii) Minutes of the evening meeting held 1997 September 24

B. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Proposed Site Plan Control By-law for lands located at No. 787-791 Barton Street East.

(ii) "Silvana Gardens", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication).

Wednesday, 1997 September 24
9:30 o'clock a.m.
Room 233, City Hall

A. (i)

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairman
Alderman F. D'Amico, Vice-Chairman
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling
Alderman G. Copps

Also Present:
Alderman M. Kiss
Alderman D. Wilson
Victor Abraham, Director of Planning and Development
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner
Peter Lampman, Building Department
Ronald Karl, Public Works and Traffic Department
Hazell Milsome, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Kevin Nutley, City Clerk's Department
Art Zudima, Law Department
Kevin Christenson, Acting Secretary

PUBLIC MEETINGS

The Chairman advised those present that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a public hearing.

1. **Subdivision Application 97-03, by Pasquale Campea and Angelo Loro, owners, to establish a draft plan of subdivision "Brigadoon Park' on the lands for lands located north on Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood**

The Committee was in receipt of a report dated 1997 September 15 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

No delegation requested to make a presentation to the Committee on this issue.

Following brief discussion, the Committee approved following recommendation:

(a) That approval be given to Subdivision Application 97-03 (Regional File No. Ta-97007), Pasquale Campea and Angelo Loro, owner, to establish a draft plan of subdivision "Brigadoon Park", on lands located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:

(i) That this approval apply to the plan as revised in red, prepared by Urbex Engineering Limited and certified by J. P. Woolley, O.L.S., dated May 27, 1997, showing 12 lots for single detached dwellings and two streets identified as Street "A" and Brigadoon Drive, attached as Appendix "B"; and,

(ii) That the Owner establish Streets "A" (from Stone Church Road to Brigadoon Drive) and Brigadoon Drive (from the east limits of the draft plan to the west limits of Street "A") to their full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,

(iii) That the Owner establish a 12.0m by 12.0m daylight triangle, taken from the widened limits of Stone Church Road and Street "A" as part of Street "A" on the final plan of subdivision; and,

(iv) That the Owner establish a paved Public access road connecting Stone Church Road West to the existing limit of Brigadoon Drive adjacent to Lot 1; and,

(v) That Brigadoon Drive align centreline to centreline with Brigadoon Drive as established by Plan 62M-768 to the satisfaction of the Commissioner of Transportation, as redlined; and,

(vi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(vii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(viii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(ix) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xiii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. The approved plan will include the following:

1. All erosion and sediment control measure shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

2. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,

3. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

4. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(xiv) That the applicant prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall be developed in conjunction with the tree preservation and landscape plan; and,

(xv) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall address water quality and quantity issues and will ensure that post developments flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented; and,

(xvi) That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall show how existing vegetation will be maintained with development and highlight replacement trees for vegetation removed as part of the development of this subdivision; and,

(xvii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xviii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97007), Pasquale Campea and Angelo Loro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

2. **Official Plan Amendment (City Initiative) and Subdivision Application 97-04, Vedemo Construction Ltd. and DiCenzo Construction Company Ltd., owners, for Approval of a Plan of Subdivision "Paradise Meadows" for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook**

The Committee was in receipt of a report dated 1997 September 18 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

Serge Manchia of Planning and Engineering Initiatives, representing the developer, DiCenzo Construction Company ltd. and Vedemo Construction Ltd., owners, indicated that his clients generally agreed with the recommendation presented for consideration however he did have the following concerns with the conditions:

- 20m road allowance as indicated is too much
  18m would be sufficient with sidewalk on one side only

- 26m width for road allowance is too much
  20m would be adequate

Mr. Tim Studor of 545 Rymal Road West appeared before the Committee to oppose the road widening as this would result in the road being only 8 feet from his house as well as the loss of a number of mature trees.

Mr. Manchia indicated that the developer would require Mr. Studor's property for this development and that he would be negotiating the purchase with the owner.

Peter Desantis appeared before the Committee and indicated that he was the developer of the property to the west of this proposed development. He indicated that he was in favour of this application and the official plan amendment.

Subsequently, following discussion, the Committee approved the following recommendation:

(a) That approval be given to Official Plan Amendment No. 141 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on Appendix "C" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as Appendix "D" subject to the following conditions:

  (i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated 1997 June 9, showing 249 lots for single detached dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as Appendix "E"; and,

  (ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

  (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

  (iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development; and,

  (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

  (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(viii) That Blocks 266 and 267 be developed in conjunction with the adjacent lands; and,

(ix) That Blocks 250 and 265 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 250 and 265 be developed in conjunction with the abutting lands; and,

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department; and,

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiii) That if the development of Blocks 264 and 265 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiv) That Street A must be established to a minimum width of 26m from the southerly limits of Rymal Road West to a point approximately 90 metres southerly to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(xv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A; and,

(xvi) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m; and,

(xvii) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances; and,

(xviii) That Street G be established at 20m instead of 18m; and,

(xix) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width; and,

(xx) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision; and,

(xxi) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m; and,

(xxii) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on Appendix "F" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department; and,

(xxiii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street; and,

(xxiv) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant; and,

(xxv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes; and,

(xxvi) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J; and,

(xxvii That the street line adjacent Lots 229, 230 and 231 be realigned to provide a straight transition into the cul-de-sac bulb; and,

(xxviii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(xxix) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,

(xxx) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xxxi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(e) That the approved Carpenter Neighbourhood Plan be amended as shown on Appendix "F", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

3. **Zoning application 97-17, by R. Denninger Limited, owner for a change in zoning from "C" District and "AA" District to "HH" District, modified, for property located at 1289 Upper James Street**

The Committee was in receipt of a report dated 1997 September 16 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

No delegation requested to make a presentation to the Committee on this issue.

Following brief discussion, the Committee approved following recommendation:

(a) That approval be given to Official Plan Amendment No. 142 to redesignate the rear portion of the subject lands from "Residential" to "Commercial" on Schedule A and extend Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application ZAC-97-17, R. Denninger Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "1") and "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "2"), to permit the use of the subject lands for commercial development, for lands located at 1289 Upper James Street, as shown on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

(2) Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(3) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(4) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access; and,

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1388, and that the subject lands on Zoning District Map E-9C be notated S-1388; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(vi) That the proposed change in zoning are in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 142 by the Regional Municipality of Hamilton-Wentworth; and,

(b) Upon finalization of the implementing By-law the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Commercial and Apartments" to "Commercial".

4. **Zoning Application 97-12, by A.R.P. Construction Ltd., owner, for modifications to the "DE" District regulations for lands located at 780 Upper Paradise Road**

The Committee was in receipt of a report dated 1997 September 17 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

No delegation requested to make a presentation to the Committee on this issue.

Following brief discussion, the Committee approved following recommendation:

That approval be given Amended Zoning Application ZAC-97-12, A.R.P. Construction Ltd., owner, for a modification to the established "DE" (Low Density Residential Dwelling) District regulations to permit the development of five (5) townhouse units for property located at 780 Upper Paradise Road, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the "DE" (Low Density Multiple Dwelling) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10A, a maximum of five (5) townhouse dwellings shall be permitted subject to the "RT-20" (Townhouse-Maisonette) District provisions of Section 10E, except for the following:

(1) A minimum 3.0 m setback shall be permitted along the northerly lot line; and,

(2) A minimum 1,131.58 m^2 lot area shall be permitted; and,

(ii) That notwithstanding Section 18A(1) a minimum six (6) parking spaces shall be required; and,

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1389, and that the subject lands on Zoning District Map W37B be notated S-1389; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W37B for presentation to City Council; and,

(d) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

5. **BUSINESS IMPROVEMENT AREA CO-ORDINATING COMMITTEE**

Delegation - Sheila Snyder re Commercial Improvement Programme Funding

The Committee was in receipt of correspondence dated 1997 September 12 from Sheila Snider, Business Improvement Area Co-ordinating Committee Member respecting the subject matter.

Sheila Snyder and Mary Pocious distributed a report entitled "Commercial improvement Program - Business Improvement Area Cost Breakdown" and detailed the need for the city to provide funding for the Commercial Improvement Program.

Following discussion, the Committee approved the following recommendation:

That the request of the Business Improvement Area Co-ordinating Committee for Commercial Improvement Programme funding, in the amount of $315,000 which will result in the funding of $15,000 per year, for each of the seven B.I.A.'s over the next three years, be referred to the Corporate Management Team with instructions that it be considered a priority in the 1998 - 2007 Capital Budget Deliberations.

6. ALDERMAN Wm. McCULLOCH

City Initiative - Request for Rezoning No. 467 Charlton Avenue East

The Committee was in receipt of correspondence dated 1997 September 3 from John Lewis of Turkstra Mazza Shinehoft Associates to Alderman Wm. McCulloch respecting the subject matter.

Alderman McCulloch spoke to the issue and following brief discussion, the Committee approved the following recommendation:

"(a) That the Planning and Development Committee be directed to undertake a City Initiative to remove "miniature golf" as a permitted use for the property located at No. 467 Charlton Avenue East; and,

(b) That the costs of the rezoning application (i.e. public notice sign, etc.) be financed through Account No. 5X921-00102."

7. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) **Revised Board of Management - Downtown Hamilton B.I.A.**

The Committee was in receipt of a report dated 1997 September 16 from Doug Lobo, Commissioner of Public Works and Traffic respecting the subject matter.

Following brief discussion, the Committee approved the following recommendation:

(a) That Schedule 'B' of By-law No. 97-105, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	Fever Night Club/The Parlour/Montfort Restaurant
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
K. Wiegand	McCarthy Hearing Aids

(b) That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-105 pursuant to (a) above.

(b) **Impact of Bill 106 on Business Improvement Areas (B.I.A.'s)**

The Committee was in receipt of a report dated 1997 September 18 from Doug Lobo, Commissioner of Public Works and Traffic respecting the subject matter.

Hazel Milsome reviewed the details of the report and following discussion, the Committee agreed to amend the recommendation by deleting "a representative from the Law Department" from the composition of the Steering Committee. Subsequently, the Committee approved the following amended recommendation:

(a) That a Steering Committee be established under the auspices of the Commissioner of Public Works and Traffic, to address the pending impact of Bill 106 "The Fair Municipal Finance Act" on B.I.A.'s which comes into effect 1998 January 1; and,

(b) That the composition of the Steering Committee be as follow:

(i) Two elected officials

(ii) A representative from the Public Works and Traffic Department

(iii) A representative from the City Clerk's Department

(iv) A representative from the Treasury Department

(v) Three members of the B.I.A. Co-ordinating Committee; and,

(c) That the Steering Committee be requested to review Bill 106 and address the following:

(i) The appropriate process for approval of the 1998 B.I.A. Budgets

(ii) The appropriate process for approval of the 1998-2000 B.I.A. Boards of Management

(iii) Municipal/B.I.A. division of responsibilities; and,

(d) That the Steering Committee report back its findings to the Committee at its October meeting.

(c) **Downtown Hamilton Business Improvement Area, Expansion of Boundaries**

The Committee was in receipt of a report dated 1997 September 16 from Doug Lobo, Commissioner of Public Works and Traffic respecting the subject matter.

Following brief discussion, the Committee approved the following recommendation:

(a) That the Downtown Hamilton B.I.A. boundaries be expanded to incorporate businesses on the east side of James Street North from the existing boundary to No. 44 James Street North and, on the north side of King William Street from James Street North to Mary Street, as per Appendix "I"; and,

(b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

(c) That the Law Department be authorized and directed to prepare the necessary amending by-law.

(d) **Roadway Standards in Subdivisions**

The Committee was in receipt of an information report dated 1997 September 16 resecting the subject matter.

Eugene Chajka reviewed the report in detail and discussion ensued on the issue of residential boulevards and the minimum road allowance for the interior of sub-divisions.

Following discussion, the Committee approved the following recommendation;

That the Commissioner of Public Works and Traffic be directed to report back, with options and timing on the issue of residents having a choice of residential boulevards on internal residential streets in new subdivisions.

8. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

(a) **CN Station - Heritage Easement Agreement**

The Committee was in receipt of a report form the Secretary of the Local Architectural Conservation Advisory Committee respecting the subject matter.

Following discussion, the Committee approved the following recommendation:

(a) That a letter be sent to the Minister of Canadian Heritage advising that the City supports the recommendation of the Department of Canadian Heritage to implement a Heritage Easement Agreement with the Ontario Heritage Foundation as part of the terms of sale of the CN Station located at 360 James Street North/241 Stuart Street, Hamilton, to the prospective owners in order to ensure the preservation of the railway station; and,

(b) That approval be given to the Ontario Heritage Foundation's request for a municipal contribution towards monitoring the Heritage Easement consisting of the following:

(i) a one-time contribution to the Ontario Heritage Foundation in the amount of $8,300 to be financed through the Heritage Acquisition Reserve Account (Centre No. CH00120); and,

(ii) annual site visits to be undertaken by municipal Heritage Planning Staff.

(b) **Gore Heritage 2000 Program**
Special Provision for Buildings
with Frontages of Fifty Feet or More

The Committee was in receipt of a report dated 1997 September 15 from the Secretary, Local Architectural Conservation Advisory Committee respecting the subject matter.

Following discussion, the Committee approved the following recommendation:

That approval be given to amend the Gore Heritage 2000 Program by providing an additional matching grant of up to $20,000 for heritage properties in the Gore Heritage Area (King Street East from James Street to Catharine Street) with a frontage of fifty (50) feet or more.

9. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development meeting of 1997 August 20 were adopted as circulated to the Members.

B. BUILDING COMMISSIONER

(a) **139 Stone Church Road East - Demolition**

The Committee was in receipt of a report dated 1997 September 11 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 139 Stone Church Road East in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) **Community Heritage Trust Fund**
141 St. Clair Avenue

The Committee was in receipt of a report dated 1997 September 9 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

That a loan under the Community Heritage Trust Fund Program in the amount of $9,782 to Ethel Gowling for improvements to 141 St. Clair Avenue be approved, subject to the fulfilment of the borrowing requirements of the Program.

Note: Alderman G. Copps recorded opposed.

(c) **Commercial Property Improvement Loan Program**

The Committee was in receipt of a report dated 1997 September 11 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

(a) (i) That a loan increase of $7,237 to Octavio and Mirella Raposo for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $25,000. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of $3,619 be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of $5,000 to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of $2,500 be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(d) **Commercial Property Improvement Loan Program**

The Committee was in receipt of a report dated 1997 September 11 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

(a) That a secured loan in the amount of $17,229 to Notarianni Investments Limited, for improvements to 333 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of $8,614 be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Request for Validation Certificate for "Allison Estates - Phase 1, Stage 2" Subdivision Lots 3, 5 7 and 12, Registration Plan 62M-795**

The Committee was in receipt of a report dated 1997 September 13 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner, for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2", as shown on Appendix "J"; and,

(b) That the City Solicitor be directed to prepare a By-law in accordance with Section 57 of the Planning Act to legalize the creation of maintenance easements for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2".

(b) **Application to Remove Part-Lot Control "Sandrina Gardens - Phase 2" Subdivision**

The Committee was in receipt of a report dated 1997 September 16 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71, Registered Plan 62M-780 "Sandrina Gardens - Phase 2", as shown on Appendix "K"; and,

(b) That the exempting By-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be presentation to City Council; and,

(d) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the by-law.

(c) **Application to Remove Part-Lot Control for Lot 9 "Kemp Estates" Subdivision, 34 Rouge Hill Court**

The Committee was in receipt of a report dated 1997 September 13 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That approval be given to Part Lot Control Application 97-02, James Kemp Construction Limited, owner, to remove part-lot control for Lot 9, located in "Kemp Estates" Subdivision, to permit the conveyance of 2 blocks to the abutting lots, as shown on the attached map marked as Appendix "L"; and,

(b) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lot 9, Registered Plan 62M-812, "Kemp Estates" plan of subdivision, for presentation to City Council; and,

(c) That the exempting by-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(d) That the exempting by-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(i) The Owner registering the following Restriction on Title for Lots 8, 9 and 10 to the satisfaction of the Director of Planning and Development and the City Solicitor:

"No buildings or structures shall be allowed to be located within 7.62 metres of the "Top of Bank" as defined by the Hamilton Region Conservation Authority as shown on Plan 62M-812. The area below the "Top of Bank Line" shall be left in its natural state. The planting of non-native species shall not be permitted. The use of fertilizer or pesticides, the placement of any material, equipment or structure within this area shall not be permitted."

(ii) The Owner revise the approved grading plan to match the proposed lot line configuration to the satisfaction of the Commissioner, Regional Environment Department; and,

(e) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

(b) Information Report dated 1997 September 15 from L. C. King, Building Commissioner re 605-609 James Street N., CleanSoils Inc. - Pier 26, Eastport Drive

(c) Private and Confidential Information Report dated 1997 September 16 from P. Noé Johnson, City Solicitor re Mobile Signs

(d) Removal of Development Control Regulations of the Niagara Escarpment Commission - City of Hamilton

(e) Site Plans for Approval

10. OTHER BUSINESS

(a) **CleanSoils**

The Committee was in receipt of a memo dated 1997 September 24 from the Secretary of the Transport and Environment Committee respecting the subject matter.

Alderman Merling indicated that the Transport and Environment Committee intended that the F-4 modified zoning not be considered by the Planning and Development Committee for the CleanSoils site in order to support the removal of this operation from it's present location.

Following discussion, the Committee approved that the item be received.

(b) **43 Forest Avenue - Brick Failure**

The Committee was in receipt of an information report distributed at the meeting dated 1997 September 24 from the Building Commissioner respecting the subject matter.

Mr. King reviewed the report in detail and following considerable discussion, the Committee agreed that the item be received.

(c) **Allison Neighbourhood - Upper James Street**

Alderman Merling indicated that area residents were unaware of the proposed sale of the City property located at 1717 Upper James Street.

Following discussion, the Committee approved the following recommendation;

That the Director of Local Planning be directed to hold a public meeting on the issue of the proposed sale of City property - 1717 Upper James Street and the effect that this sale will have on the Allison Neighbourhood Plan.

(d) **Crearer Neighbourhood - Access**

Alderman Merling informed the Committee that 450 new homes had recently been built in the Crearer Neighbourhood and that only one road was presently available for these residents to exit this residential area. He stated that a recent fire in the area had resulted in the blockage of all vehicular traffic from or to this area.

Following discussion, the Committee directed that the Commissioner of Public Works and Traffic report back to the next meeting on this issue including access options and costs.

11. PRIVATE AND CONFIDENTIAL AGENDA

(a) **Commercial Property Improvement Loan Program**
Registration of Loan on Tax Rolls
Andrea DiSiena - 253 James Street North

The Committee approved the following recommendation:

That the total outstanding Commercial Property Improvement Loan Program for Andrea DiSiena, 253 James Street North, in the amount of $2,971.57 be placed on the tax rolls.

(b) **Commercial Property Improvement Loan Program**
Registration of Loan on Tax Rolls
914914 Ontario Inc., o/a Howard's Flower Shop
84 - 84 1/2 Ottawa Street North

The Committee approved the following recommendation:

That the total outstanding Commercial Property Improvement Loan Program for 84 - 84 1/2 Ottawa Street North, in the amount of $8,575.83 be placed on the tax rolls.

(c) **Commercial Property Improvement Loan Program**
Registration of Loan on Tax Rolls
914914 Ontario Inc., o/a Fred Gregory Florists
213, 215 and 217 Ottawa Street North

The Committee approved the following recommendation:

That the total outstanding Commercial Property Improvement Loan Program for 213, 215, 217 Ottawa Street North, Hamilton, in the amount of $33,007.36 be placed on the tax rolls.

12. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved,

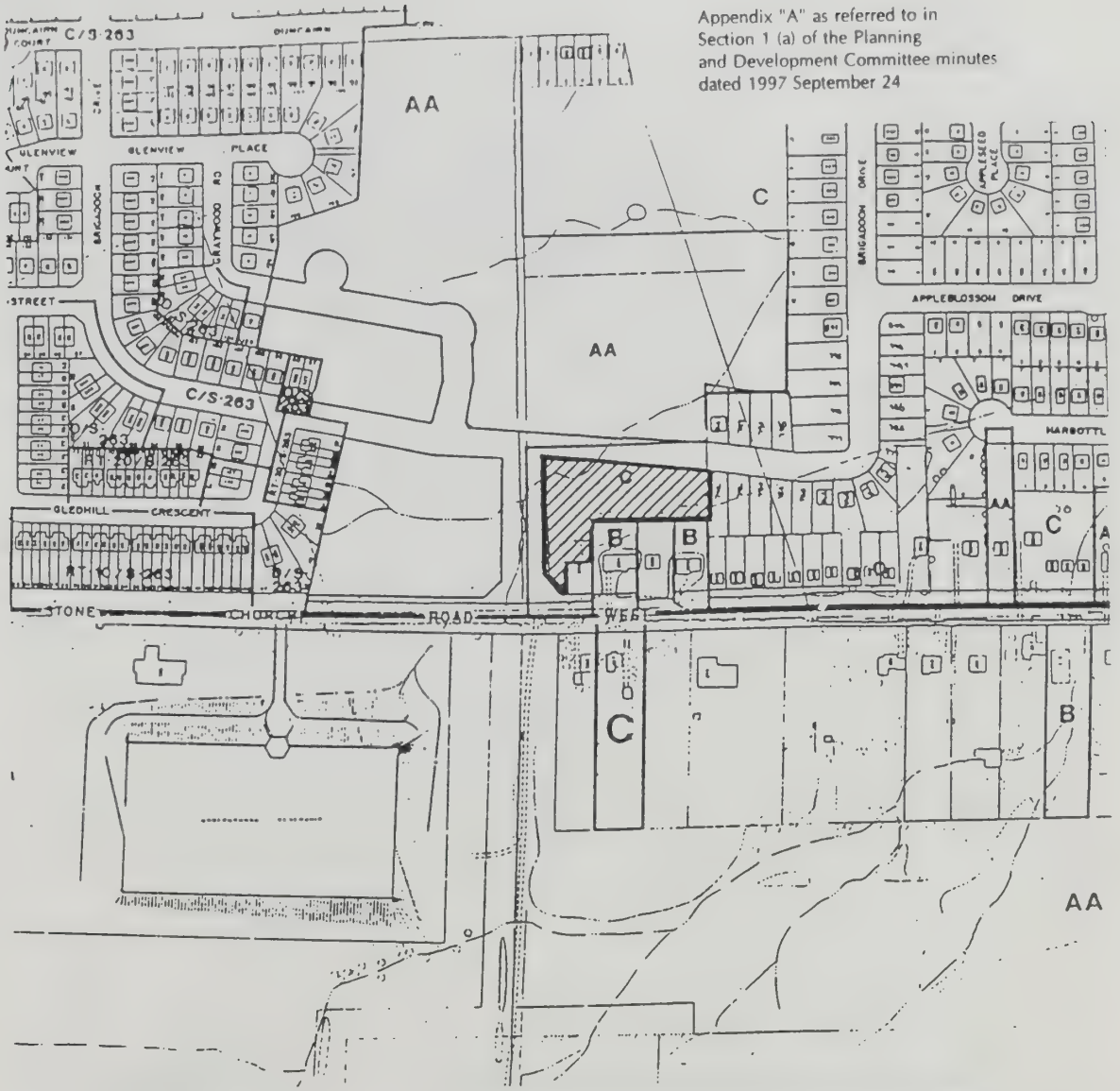
ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson
Acting Secretary

1997 September 24

/mjw

Appendix "A" as referred to in
Section 1 (a) of the Planning
and Development Committee minutes
dated 1997 September 24

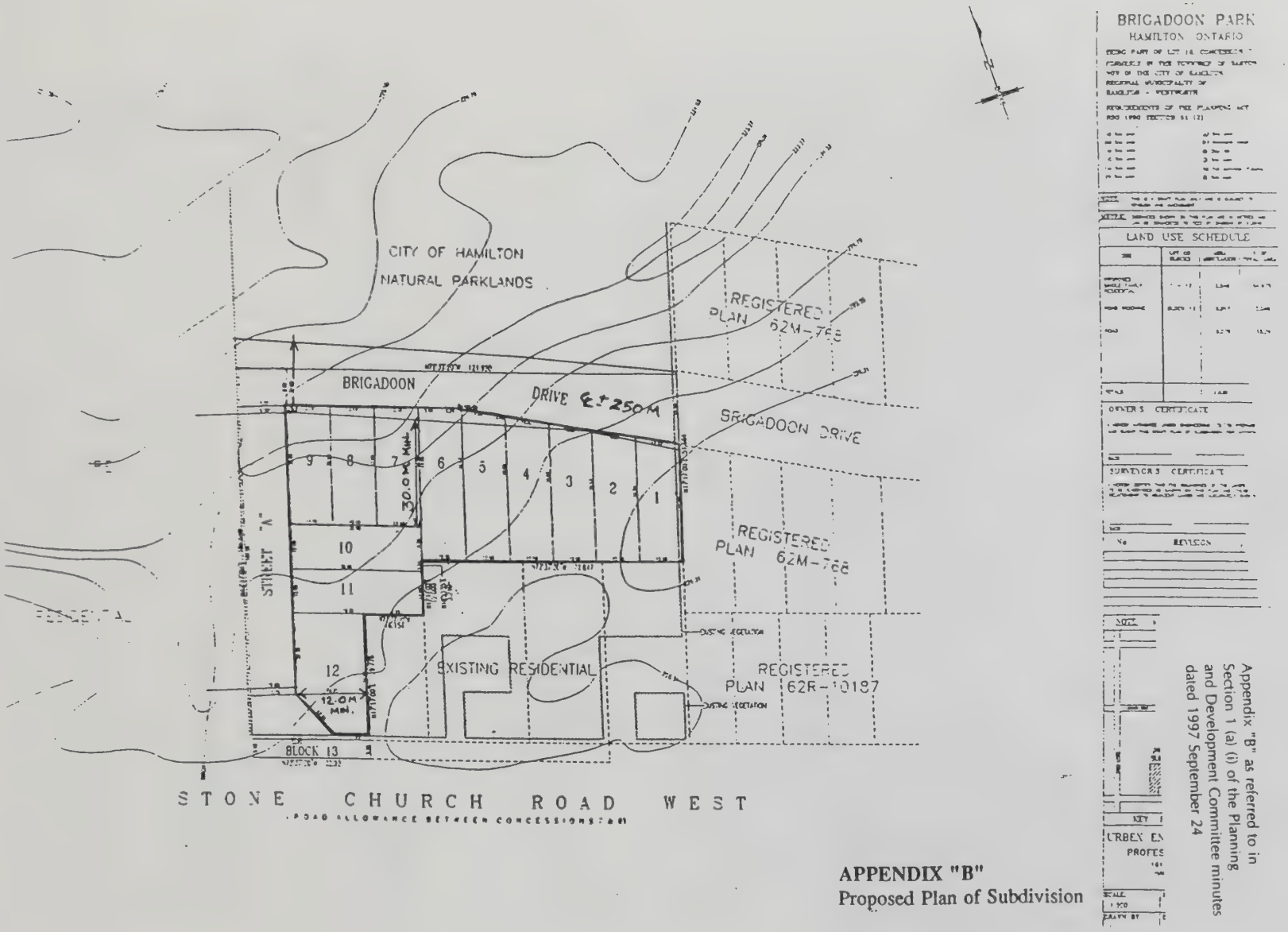


Legend

Site of the Application

Reference File No	
SAC-97-03	
Drawn By	Date
S.H.	Aug 199
Scale	
Not to Scale	
North	

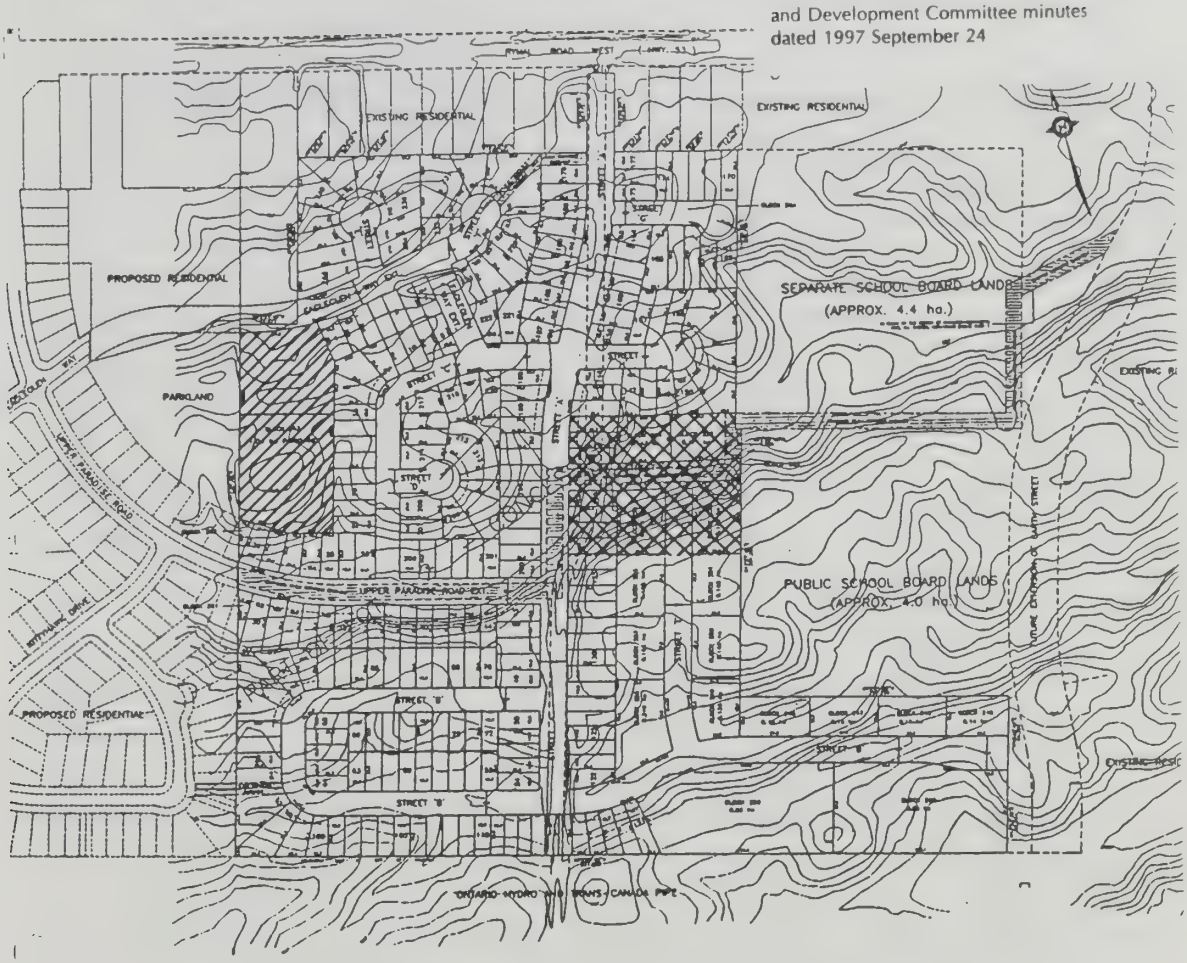
APPENDIX "A"



APPENDIX "B"
Proposed Plan of Subdivision

Appendix "B" as referred to in Section 1 (a) (i) of the Planning and Development Committee minutes dated 1997 September 24

Appendix "C" as referred to
in Section 2 (a) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

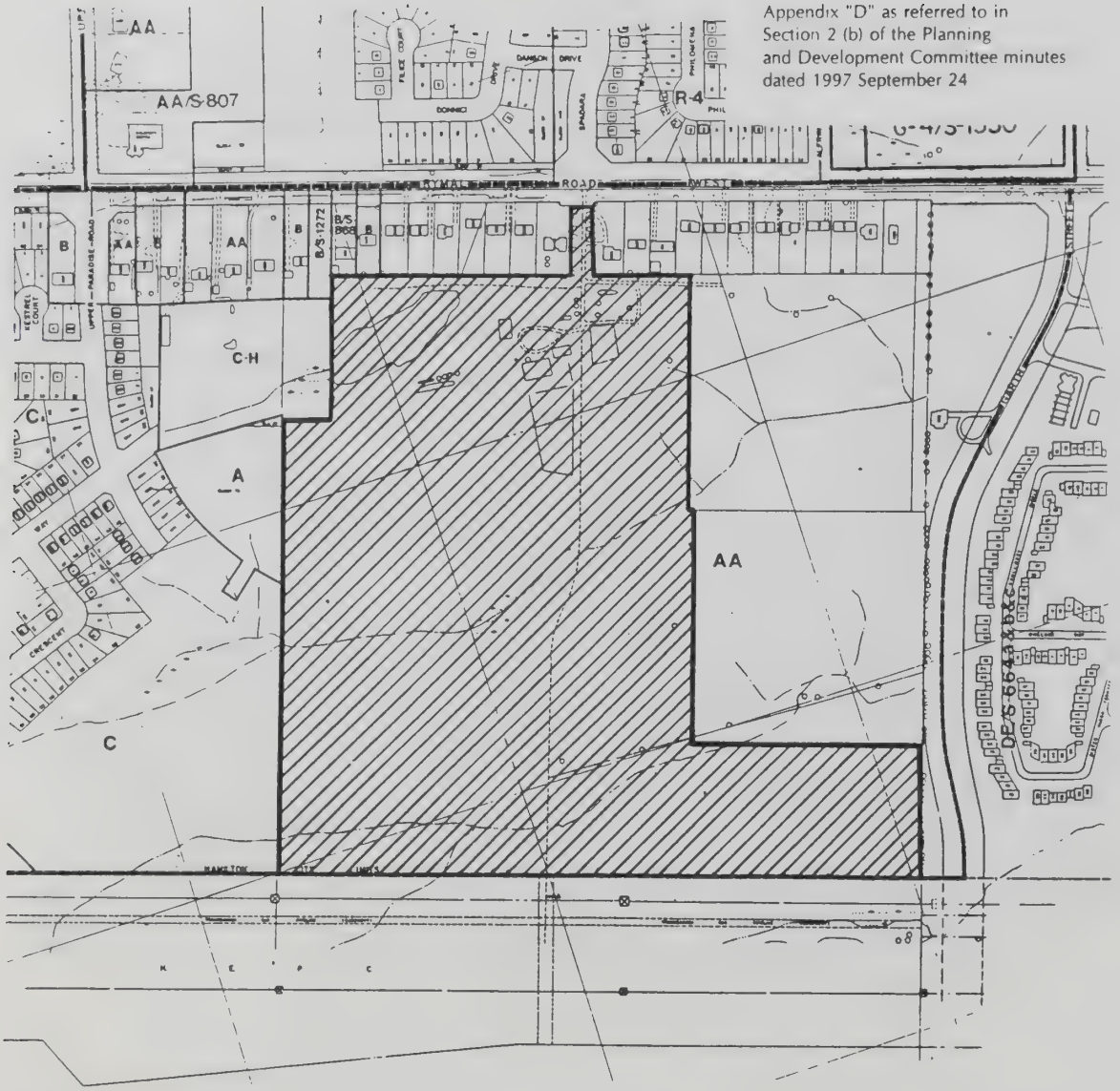
BLOCK 1 — Lands to be redesignated from "Open Space" to "Residential" (Lots 127 - 143, inclusive, and Blocks 252 -255, inclusive, on proposed Draft Plan of Subdivision)

BLOCK 2 — Lands to be redesignated from "Residential" to "Open Space" (Block 263 on proposed Draft Plan of Subdivision)

Reference File No	
SAR-97-04	
Drawn By	Date
R.L.	August 19
Scale	
Not to Scale	
North	

APPENDIX "C"

Appendix "D" as referred to in
Section 2 (b) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

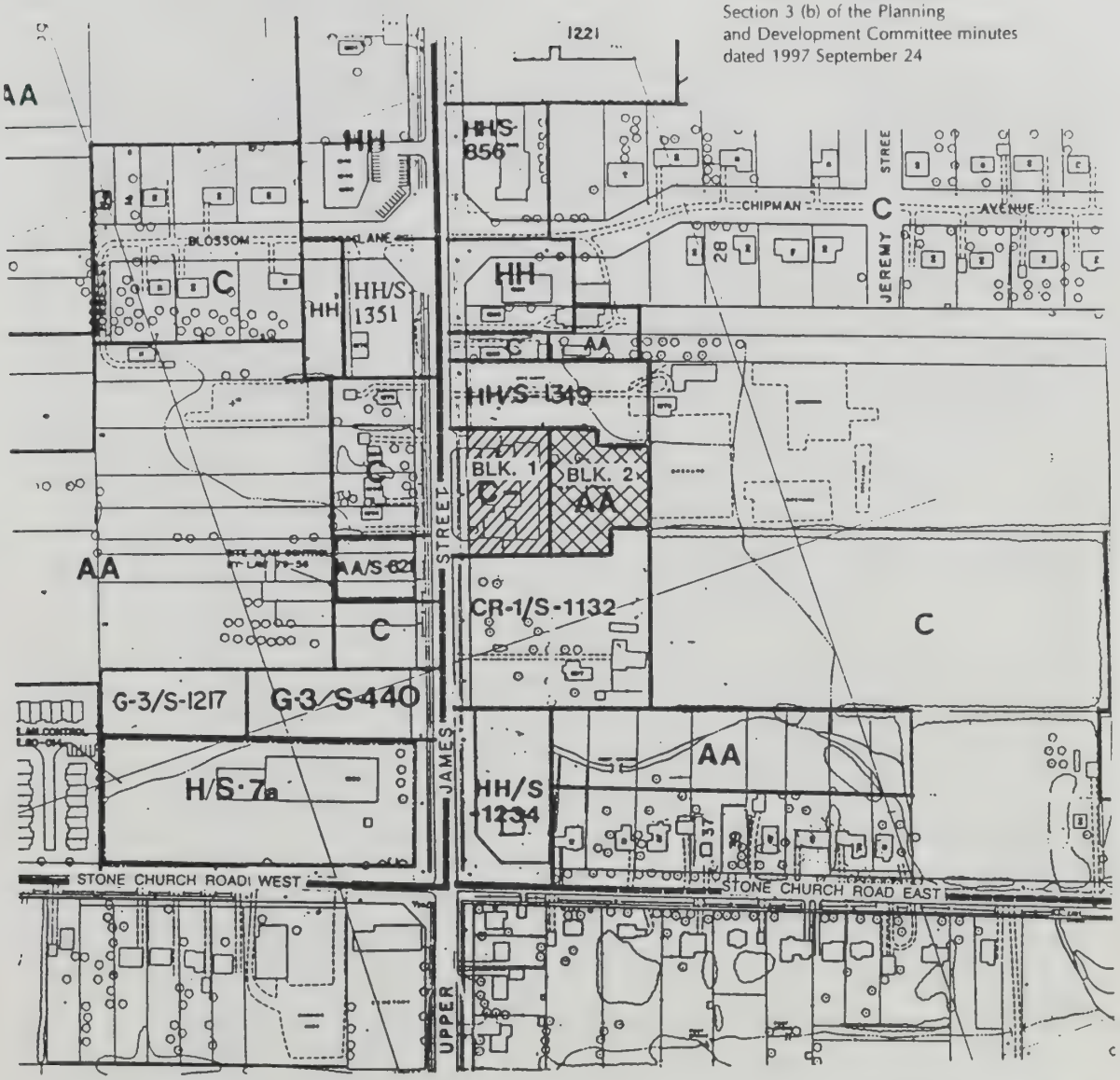
Site of the Application

Reference File No	
SAR-97-04	
Drawn By	Date
B.B.	Aug. 199
Scale	
Not to Scale	
North	

Appendix "E" as referred to in
Section 2 (b) (i) of the Planning
and Development Committee minutes
dated 1997 September 24

Appendix "F" as referred to in
Section 2 (b) 22 of the Planning
and Development Committee minutes
dated 1997 September 24

Appendix "G" as referred to in
Section 3 (b) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

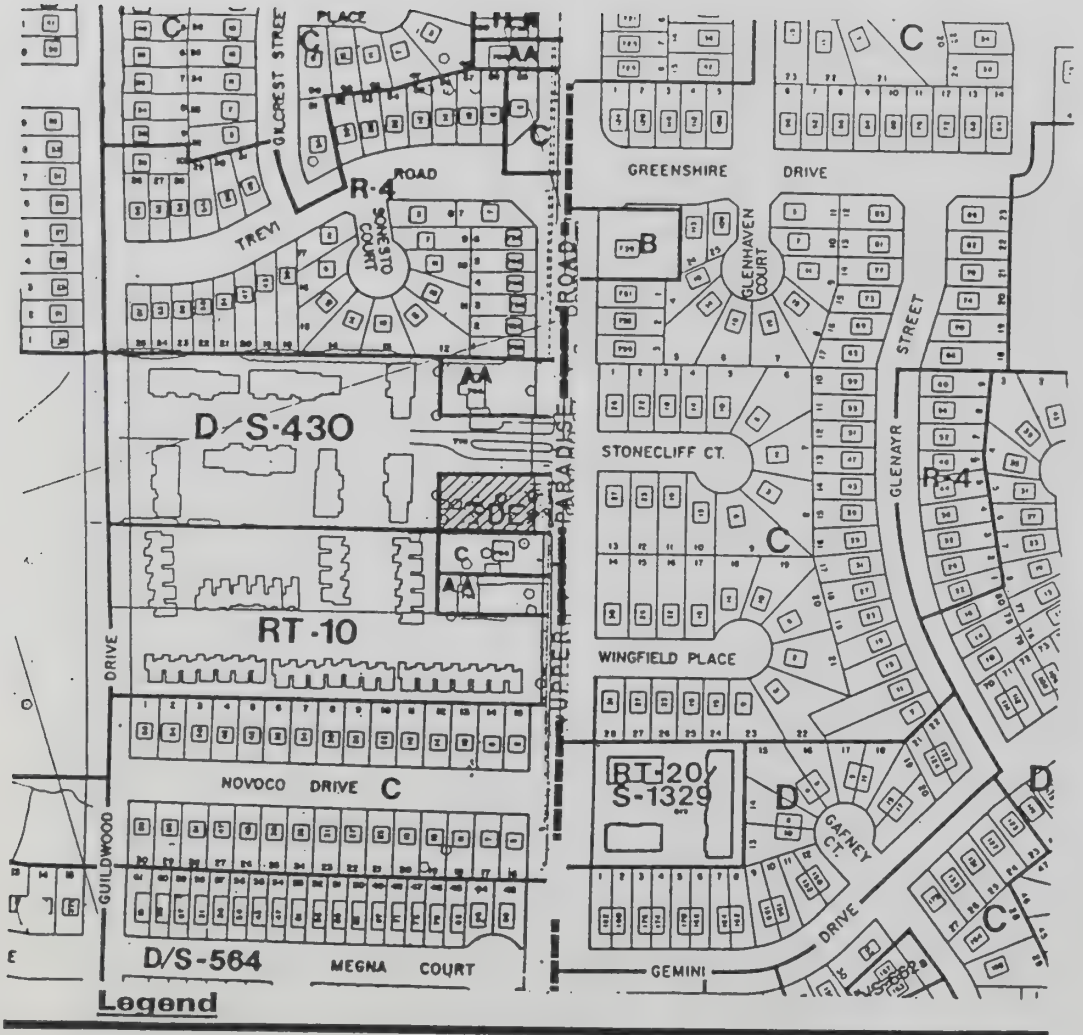
CHANGE IN ZONING FROM :

BLOCK 1 — "C"(Urban Protected Residential, etc.) District To "HH"(Restricted Community Shopping and Commercial) District, Modified.

BLOCK 2 — "AA" (Agricultural) District To "HH" (Restricted Community Shopping and Commercial) District, Modified.

Reference File No.	
ZAC-97-17	
Drawn By	Date
R.L.	Sep. 1997
Scale	
Not to Scale	
North	

Appendix "H" as referred to in
Section 4 of the Planning
and Development Committee minutes
dated 1997 September 24



Reference File No.

ZAC-97-12

Drawn By	Date
B.B.	Aug. 1997

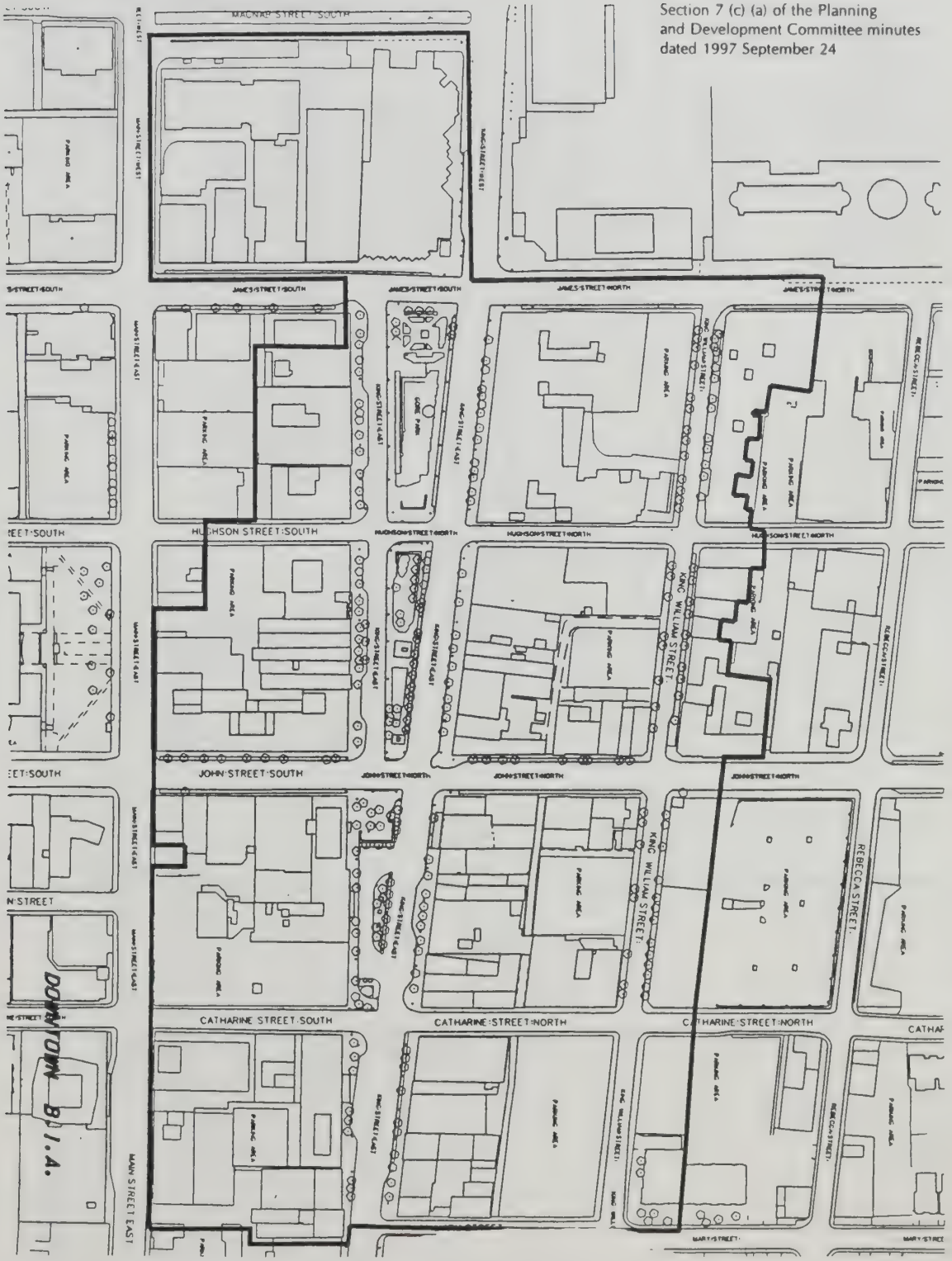
Scale

Not to Scale

North

Site of the Application

Appendix "I" as referred to in
Section 7 (c) (a) of the Planning
and Development Committee minutes
dated 1997 September 24



SEDONA COURT

M-795

25T-910148

Notes

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THIS 17th DAY OF SEPTEMBER, 1996

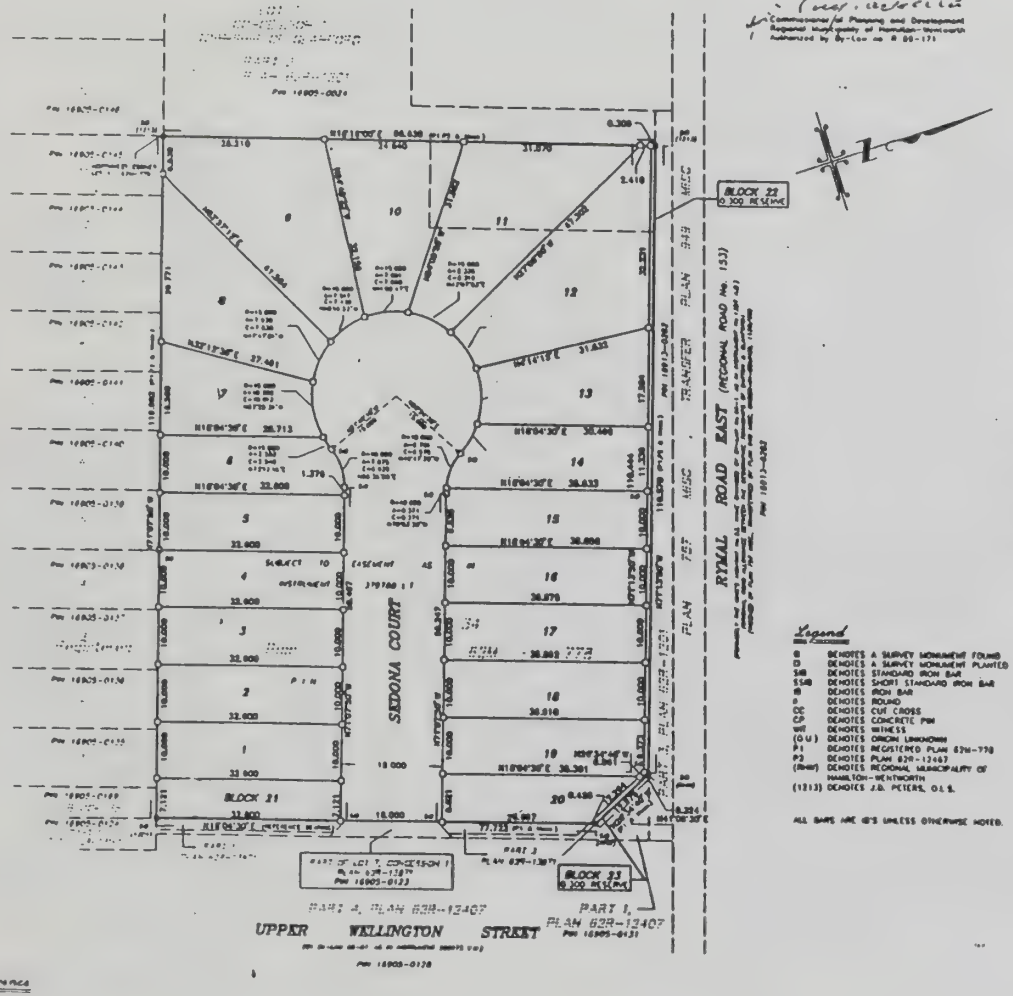
Commissioner for Planning and Development
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law no. R 89-171

PLAN 62M-795

I CERTIFY THAT THIS PLAN 62M-795
IS REGISTERED IN THE LAND REGISTRY OFFICE
FOR THE LAND TITLES DIVISION OF WENTWORTH (62)
AT 11:48 O'CLOCK ON THE 1ST DAY OF
October 1996 AND ENTERED IN
THE REGISTER FOR PROPERTY IDENTIFIER No
16905-0167 16905-0168
AND REQUIRED CONSENTS AND AFFIDAVITS ARE
REGISTERED AS PLAN DOCUMENT NO. WE21935

E. Parsons
LAND REGISTRAR

THIS PLAN COMPRISES Pin 16905-0168
Pin 16905-0167
SUBJECT TO EASEMENT AS SET OUT IN INSTR. NO. 379760 L.T.



Legend

●	DENOTES A SURVEY MONUMENT FOUND
○	DENOTES A SURVEY MONUMENT PLANTED
SB	DENOTES STANDARD IRON BAR
SSB	DENOTES SHORT STANDARD IRON BAR
⊕	DENOTES IRON BAR
⊙	DENOTES ROUND
CC	DENOTES CUT CROSS
CON	DENOTES CONCRETE PIN
WIT	DENOTES WITNESS
(O.U.)	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN 62M-778
P2	DENOTES PLAN 62R-13467
(RMW)	DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(1213)	DENOTES J.D. PETERS, O.L.S.

ALL BARS ARE 0.0's UNLESS OTHERWISE NOTED.

Allison Estates

Phase 1, Stage 2

BEING A SUBDIVISION OF
LOT 33 AND BLOCK 34
REGISTERED PLAN 62M-778
IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500

MACKAY, MACKAY & PETERS LIMITED
1996

Surveyor's Certificate

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 16th DAY OF JULY 1996

SEPTEMBER 11, 1996
DATE

JAMES LAWS
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 19 BOTH INCLUSIVE, THE STREETS NAMELY SEDONA COURT BLOCKS 20 & 21, AND 0.300 RESERVES NAMELY BLOCKS 22 & 33 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

DATED AT HAMILTON, ONTARIO
THIS 11th DAY OF SEPTEMBER 1996

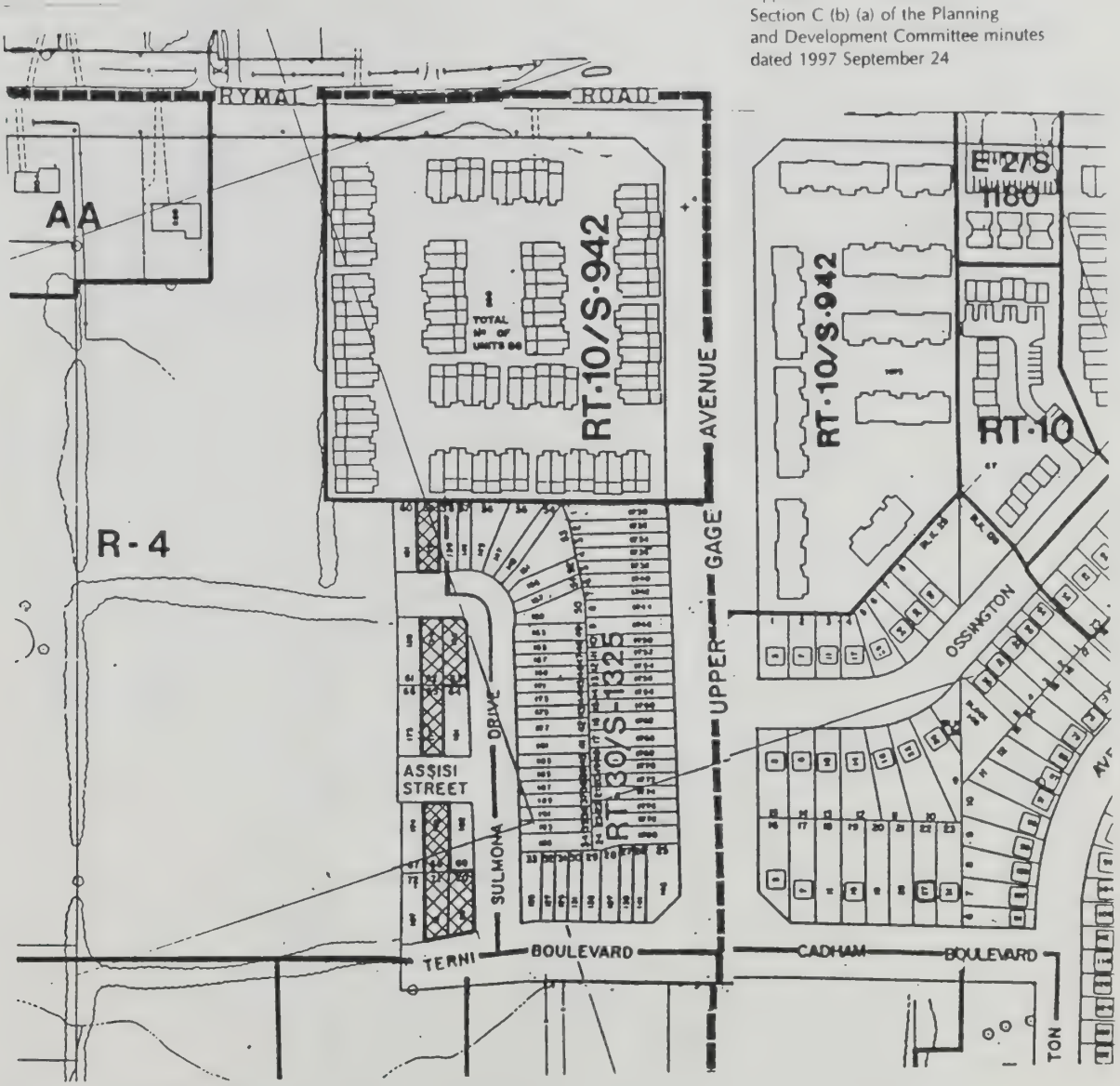
300 RYMAL ROAD INC.
JOHN A. PARENTE
"I HAVE THE AUTHORITY TO BIND THE CORPO

APPENDIX "A"

Bearing References

Appendix "J" as referred to in Section C (a) (a) of the Planning and Development Committee minutes dated 1997 September 24

Appendix "K" as referred to in
Section C (b) (a) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

Lands subject to part lot control application

Reference File No.	
PLC-95-02	
Drawn By	Date
B.B.	Sept. 199
Scale	
Not to Scale	
North	

NIT JUL 06 1997

M-812

ROUGE HILL COURT

25T-92010

KEMP ESTATES

PART OF LOT 32, CONCESSION 4

IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET

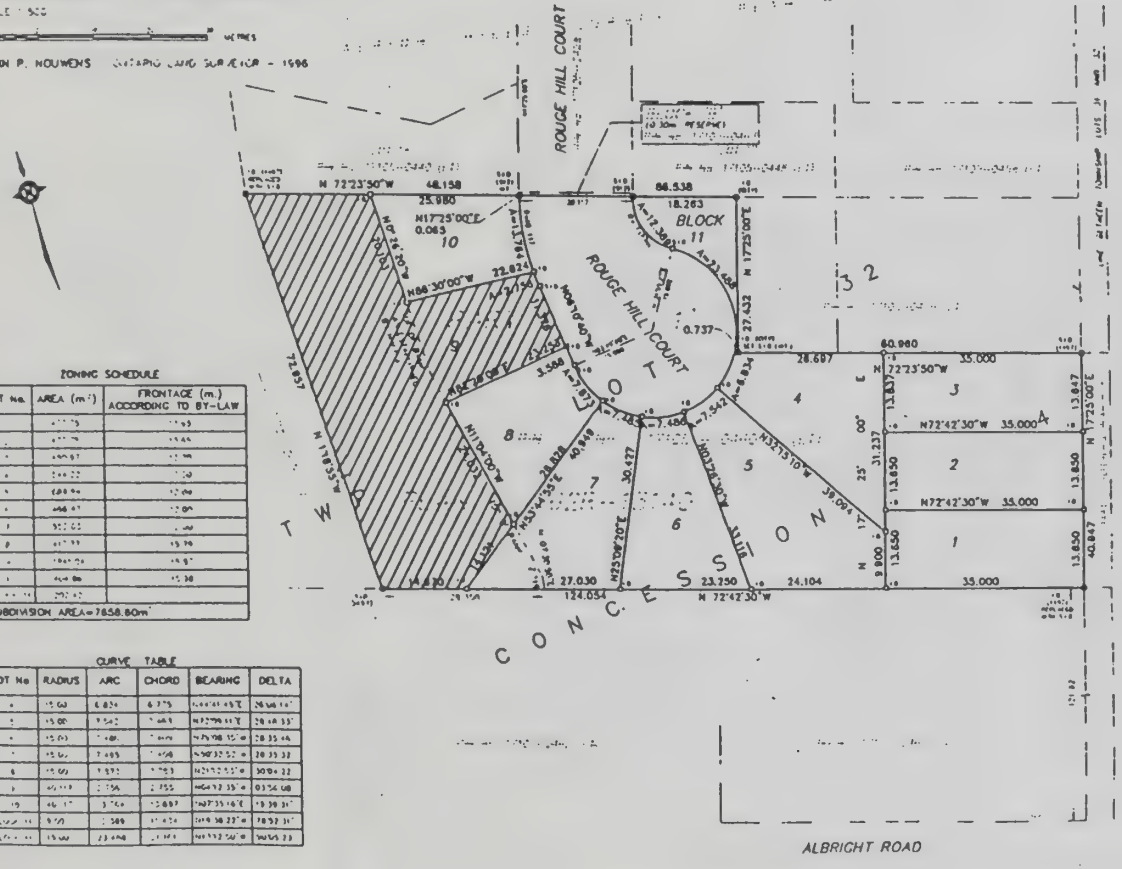
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500

METRES

JOHN P. NOUWENS ONTARIO LAND SURVEYOR - 1996



ZONING SCHEDULE

LOT No.	AREA (m²)	FRONTAGE (m.) ACCORDING TO BY-LAW
SUBDIVISION AREA = 7858.80m²		

CURVE TABLE

LOT No	RADIUS	ARC	CHORD	BEARING	DELTA

PLAN 62M-812

CERTIFICATE OF REGISTRATION

I CERTIFY THAT THE PLAN WAS REGISTERED IN THE REGISTRY OFFICE FOR THE REGISTRY DIVISION OF WENTWORTH (62) ON THE 4th DAY OF JULY, 1997 AT 9:00 O'CLOCK AM AND WAS ASSIGNED NUMBER 62M-812

REQUIRED CONSENTS AND APPROVALS ARE ATTACHED TO DOCUMENT NO. WE451096

d. Hamill
REGISTRAR

APPROVED UNDER SECTION 50 OF THE PLANNING ACT
COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
DATED THIS 2nd DAY OF JUNE, 1997

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- SURVEY MONUMENT - FOUND
- SURVEY MONUMENT - SET
- STANDARD IRON BAR
- IRON PIPE
- CUT CROSS
- PLANTED MONUMENT
- ● - FOUND
- S - SET

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

I HAVE THE AUTHORITY TO BIND THE CORPORATION.

JAMES KEMP CONSTRUCTION

June 20/96
DATE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

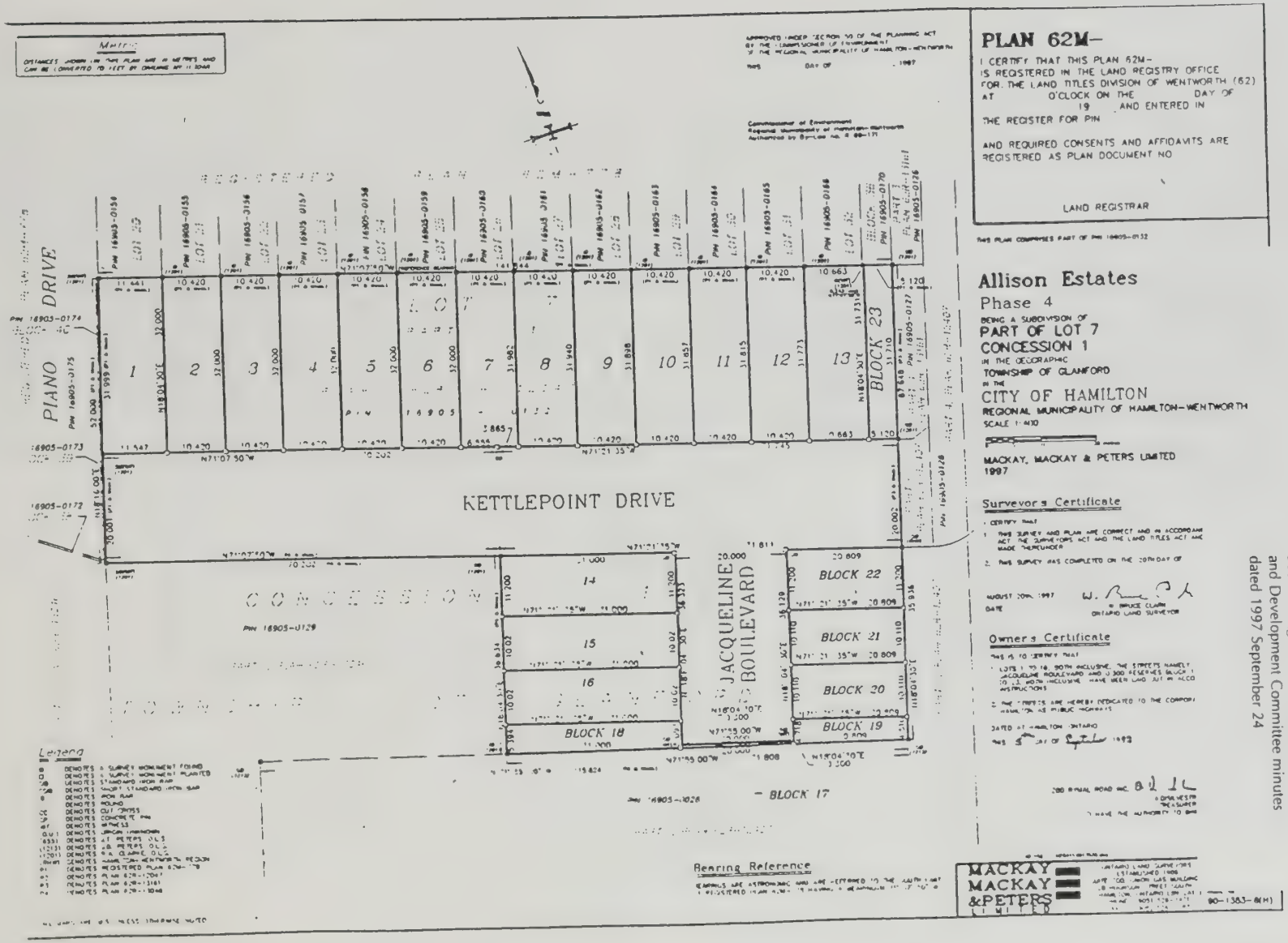
THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER IT.

May 6/96
DATE

ASHENHURST NOUWEN
Professional Engineers & Ontario
201-318 YORK BLVD.
HAMILTON, ONTARIO L8R 3K5
(905) 529-6318
(905) 529-4314
FAX(905) 528-6651

DRAWN: W.S.
CHECKED:
DATE: APR. 28, 1996

Appendix "L" as referred to in Section C (c) (a) of the Planning and Development Committee minutes dated 1997 September 24



Appendix "M" as referred to in Section C (g) of the Planning and Development Committee minutes dated 1997 September 24

Wednesday, 1997 September 24
7:30 o'clock p.m.
Council Chambers, City Hall

The Planning and Development Committee met in Special Session

There were present:	Alderman D. Drury, Chairman Alderman F. D'Amico, Vice-Chairman Mayor R. M. Morrow Alderman F. Eisenberger Alderman M. Caplan Alderman G. Copps
Regrets	Alderman Wm. McCulloch, City Business Alderman B. Charters, City Business Alderman H. Merling, City Business
Also Present:	Alderman C. Collins Bill Janssen, Planning and Development Department Caroline Floroff, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Art Zudima, Law Department Kevin C. Christenson, Acting Secretary

PUBLIC MEETING - 7:30 O'CLOCK P.M.

1. **Windermere Basin Study**

The Committee was in receipt of a report dated 1997 September 17 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Chairman welcomed those present and introduced the members of the Planning and Development Committee, City Council and staff.

Caroline Floroff reviewed the report in detail and the Chairman subsequently opened the floor to presentations from the public.

Presentations from the floor were as follows;

(a) **John Olmstead - Hamilton Naturalists Club**

Opposed to recommendation of Option #6.
He suggested that there is sufficient industrial land available without the use of this property.
Options 1 to 5 have good and bad points however Option #4 is the most desirable.

(b) **Mr. Elliot - Beach Strip Resident**

Opposed to recommendation of Option #6.
Suggested that the Hamilton Harbour Commission should be required to clean up the Windermere basin.
Supports only Option #4.

(c) **Brian McCaddy - Hamilton Naturalists Club**

Indicated that the Naturalists Club was part of the review team and indicated that Option #6 was not appropriate for this site. He stated that the Windermere Basin was a gateway to Hamilton and that the Hamilton Naturalists Club agree that Option #4 is the only acceptable option.
He added that the existing contaminants present in certain cells should be contained as soon as possible.

(d) **Burk Ausen - Community Action for the North-End East Neighbourhood**

Supports Option #4. No further industrial land use required or tolerable.

(e) **Brian Lane**

Indicated that there was a lack of green space in the area and that option #4 was preferred as it would help make a good impression on motorists entering the City from along the QEW.

(f) **James Howlett - Hamilton Beach Strip Community**

Noted that there were no representatives from the industrial agencies present at the meeting. Indicated that the Beach Strip Community only supports Option #4.

(g) **Peter Uremko - Area Resident**

Indicated that there were other areas of industrial land available elsewhere and that this area should be restored to its former beauty.
He stated that Option #4 would allow this to happen.

(h) **Louise Knox - R.R.A.P.**

Indicated that significant progress had been made in allowing public access to the harbour shoreline through the efforts of R.R.A.P.

She stated that R.R.A.P. was concerned with the contaminated cells in the area of the Windermere basin.

Alderman Drury thanked those who made presentations and discussion ensued on the options presented in the report.

Following considerable discussion, the Committee approved the following recommendation:

That Option 4 be endorsed in principal and that staff be directed to prepare the appropriate amendments to the Official Plan and Zoning By-law for further consideration by the Planning and Development Committee at a Public Meeting.

2. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson
Acting Secretary

1997 September 24

/mjw

B. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 22
Stipeley Neighbourhood
A-97-215

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Site Plan Control By-law for lands located at No. 787-791 Barton Street East

RECOMMENDATION:

(a) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 787-791 Barton Street East, as shown on the attached APPENDIX "A", and that the Director of Planning and Development be directed to prepare a By-law, to amend By-law No. 79-275, for presentation to City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On September 17, 1997, the Committee of Adjustment approved application A-97-215, to permit the lands located at No. 787-791 Barton Street East to be developed for a restaurant

(McDonald's), with the following variances to the "H" (Community Shopping and Commercial, etc.) District zoning:

- the drive-thru land will be as close as 2.0 m to the nearest residential lands instead of 12.0 m away;

- the parking, manoeuvring and access driveway will be as close as 1.5 m to the nearest residential lands instead of 12.0 m away; and,

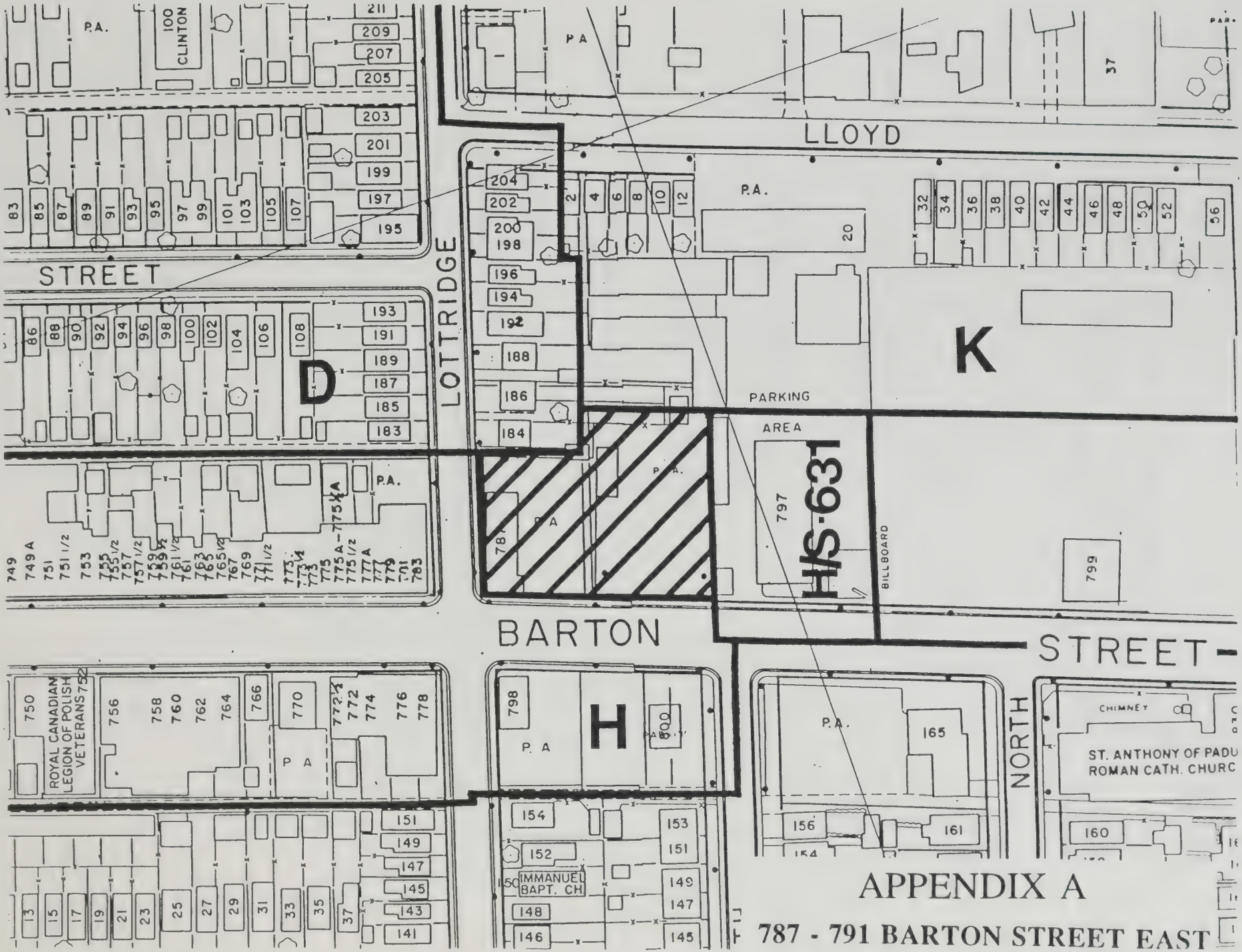
- ingress and egress to the site will be as close as 2.5 m to the nearest residential lands instead of 30.0 m away.

The approval is conditional upon the applicant receiving Site Plan approval. Lands that are zoned "H" (Community Shopping and Commercial, etc.) District are not under Site Plan Control. Accordingly, the subject lands must be placed under Site Plan Control, to implement the Decision of the Committee of Adjustment.

CONCLUSION:

Based on the foregoing, the lands located at No. 787-791 Barton Street East should be placed under Site Plan Control. The Planning and Development Department should prepare a By-law to amend Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, in a form satisfactory to the City Solicitor, for presentation to City Council.

CL-M



APPENDIX A

787 - 791 BARTON STREET EAST

B. (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 29
S719-82 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"SILVANA GARDENS", Hamilton**
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 46,000.00 as a cash payment in lieu of the 5% land dedication in connection with "Silvana Gardens", Hamilton being the cash payment required under Section 51 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

DATE: 1997 September 25

"SILVANA GARDENS", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

The owner of Silavna Gardens (DiCenzo Construction Company Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 46,000.00.

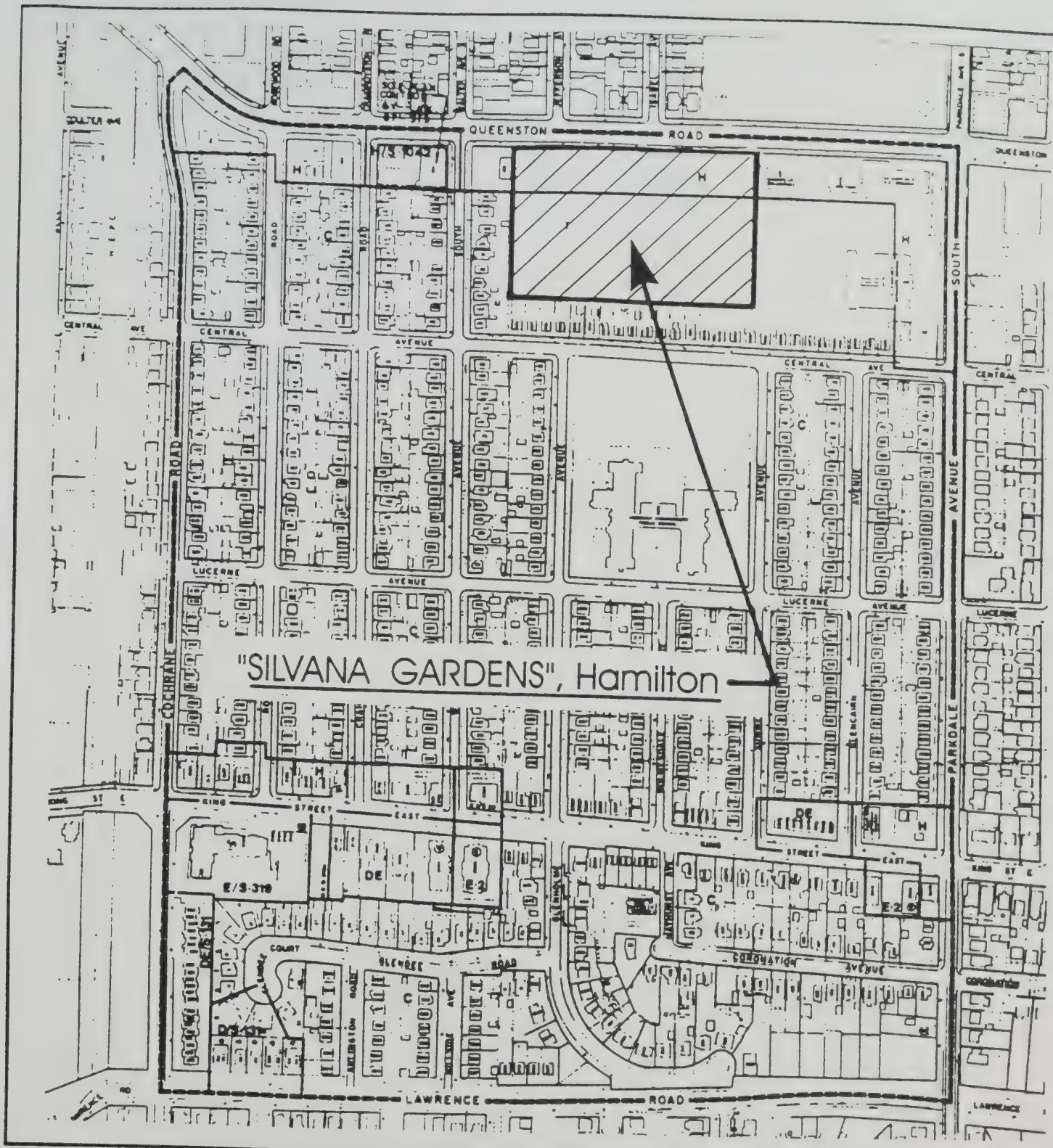
The lands of Silavana Gardens are located on the south side of Queenston Road and west of Parkdale Avenue in the Glenview West Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

/ps

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

A:\P&D2\97-09-25



LEGEND

Subject Lands

KEY PLAN
"SILVANA GARDENS", Hamilton

NORTH

NEIGHBOURHOOD
GLENVIEW WEST

DATE
Sept. 23, 1997

FILE No.
S 719-82

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1997

URBAN MUNICIPAL
OCT 20 1997
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1997 October 22
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder.
Susan K. Reeder, Acting Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. City Initiative 97-E, application by the City of Hamilton, owner, for a further modification to the established "A" District for Block "1", and to the established "M-13" district for Block "2" for lands located at no. 467 Charlton Avenue East.

2. Corktown Neighbourhood Plan

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

3. Zoning Application 97-28, by Mohawk College of Applied Arts and Technology, owner, for a modification to the establish "B" district for lands located at 135 Fennell Avenue West.

   (a) Submission - Dofasco Inc.

   (b) Submission - May, Pirie, Dakin and Associates Limited

4. Official Plan Amendment, by Chedoke Terrace Inc., owner, to redesignate the subject lands from Industrial to Residential, for the property located at no. 100 Beddoe Drive.

5. **DELEGATION**

   Barry Bender - concerns of McMaster University neighbourhood about substandard housing

Urban Municipal Collection
2nd Floor
Hamilton Public Library

A. **DIRECTOR OF PLANNING AND DEVELOPMENT\CHIEF ADMINISTRATIVE OFFICER**

(a) Terms of Reference - Preparation of a Downtown Secondary Plan

(b) Request for Removal of H-Holding Symbol - lands located at 1468 - 1530 Upper James Street.

(c) Application to remove part-lot control "Allison Estates - Phase 4" Subdivision - Registered Plan No. 62M-823

B. **BUILDING COMMISSIONER**

(a) 30 Norfolk Avenue North - Demolition

(i) Submission - C. R. Grigg

(ii) Referral of correspondence from City Council - Mrs. Betty Bechtel - Conflict of Interest - 30 Norfolk Avenue North

(b) Information Report - Barton Street Revitalization

C. **CONSENT AGENDA**

D. **TABLED FROM PREVIOUS MEETING**

(a) Request for an Official Plan Amendment and Change in Zoning - 220 Dundurn Street South (ZAC 97-26)

(i) Submission - Canadian Drawn Steel Company Inc.

(ii) Submission - Provincial Environmental Services Inc.

(b) Request for an Official Plan Amendment and for a modification in zoning - 245 Mohawk Road West

(i) Report - Director of Local Planning (copy to follow)

E. OTHER BUSINESS

F. ADJOURNMENT

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1997 October 14 CI-97-E Stinson Neighbourhood
REPORT TO:	Stella Glover, Secretary Planning and Development Committee
FROM:	Mr. V.J. Abraham, M.C.I.P., R.P.P. Director of Planning and Development Mr. J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	City Initiative for a further modification in zoning - No. 467 Charlton.

RECOMMENDATION:

(a) That approval be given to City Initiative 97-E, for further modifications to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and the "M-13" (Prestige Industrial) District regulations for Block "2", to delete a miniature golf course as a permitted use, for lands located at No. 467 Charlton Avenue East, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the special provisions contained in Section 2. of By-law No. 87-309, applicable to the "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1", and the "M-13" (Prestige Industrial) District regulations for Block "2", be deleted;

(ii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council;

(iii) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for further modifications to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and the "M-13" (Prestige Industrial) District regulations for Block "2", for lands located at No. 467 Charlton Avenue East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to delete a miniature golf course as a permitted use on Blocks "1" and "2". All uses normally permitted under the "A" (Conservation, Open Space, Park and Recreation) District and the "M-13" (Prestige Industrial) District regulations will continue to be permitted for Blocks "1" and "2", respectively.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 87-309

  By-law No. 87-309 was passed on November 10, 1987. This By-law rezoned the westerly half of Block "1" from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District. The By-law also added a miniature golf course as a permitted use for Blocks "1" and "2", in addition to the uses normally permitted under the "A" (Conservation, Open Space, Park and Recreation) District and "M-13" (Prestige Industrial) District zoning, respectively.

- Offer to Purchase 467 Charlton Avenue From the City of Hamilton

  The subject lands were previously utilized as a bowling alley. However, the lands have been repossessed by the City and the building is now vacant. On April 29, 1997, City Council approved an offer from R. Vankleef to purchase the lands. The agreement is conditional upon the purchaser (R. Vankleef), by September 30, 1997, "obtaining approval to operate a taxi business on/from the subject property, which approval may necessitate rezoning of the property".

- Committee of Adjustment Application A-97-122

  On May 28, 1997, the Committee of Adjustment approved application A-97-122 by R. Vankleef, on behalf of the City of Hamilton, to permit the use of Block "2" for a taxicab

operations base business, together with accessory uses, notwithstanding that the use is not permitted by the "M-13" (Prestige Industrial) District provisions.

The approval is subject to the following conditions:

1. Autobody repair and vehicle painting is prohibited on the site.

2. Motor vehicle repair shall be purely ancillary to the taxi cab depot business and there shall be no retail sale of gasoline to the public, and no repairs offered to the public.

3. As it is recognized that motor vehicle repair is a necessary component of the proposed business any necessary variances from Section 18(3)(ivc) of the By-law are hereby granted.

- Appeal to the Ontario Municipal Board and City Initiative 97-E

The decision respecting A-97-122 was appealed, and referred to the Ontario Municipal Board. However, the appellant and applicant have negotiated a settlement. The appellant has agreed to withdraw the appeal, provided the applicant initiates a rezoning to remove the miniature golf course as a permitted use on the lands. On September 24, 1997, the Planning and Development Committee directed the Planning and Development Department to proceed with the rezoning as a City Initiative (CI-97-E). On the same day, the appellant forwarded a withdrawal of the appeal to the Ontario Municipal Board, and the decision respecting application A-97-122 is now final and binding.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 185.97 m (610.14 ft.) of frontage on Charlton Avenue East; and,
- 1.18 ha (2.91 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant building	"A" (Conservation, Open Space, Park and Recreation) District, modified and "M-13" (Prestige Industrial) District, modified

Surrounding Lands

To the north	Railway corridor and vacant land (Regional)	"JJ" (Restricted Light Industrial) District and "A" (Conservation, Open Space, Park and Recreation) District
To the south	Transportation corridor (Charlton Ave./Sherman Access) and open space (Niagara Escarpment)	"A" (Conservation, Open Space, Park and Recreation) District
To the east	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Transportation corridor (Charlton Ave./Sherman Access)	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

The subject lands are designated "Industrial" on Schedule "A" - Land Use Concept of the Official Plan, and are also located in "Special Policy Area 11a", which identifies the Light Industrial category.

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Block "1" is designated "Industrial" by the Approved Stinson Neighbourhood Plan. Block "2" is designated "Park and Recreational". The proposal does not conflict with the Approved Stinson Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has not submitted comments, to date.

- The Hamilton Region Conservation Authority, Niagara Escarpment Commission, Regional Environment Department and Department of Public Works and Traffic have no comments or objections to the application.

COMMENTS:

1. The proposal would not conflict with the intent of the Official Plan or the Approved Stinson Neighbourhood Plan.

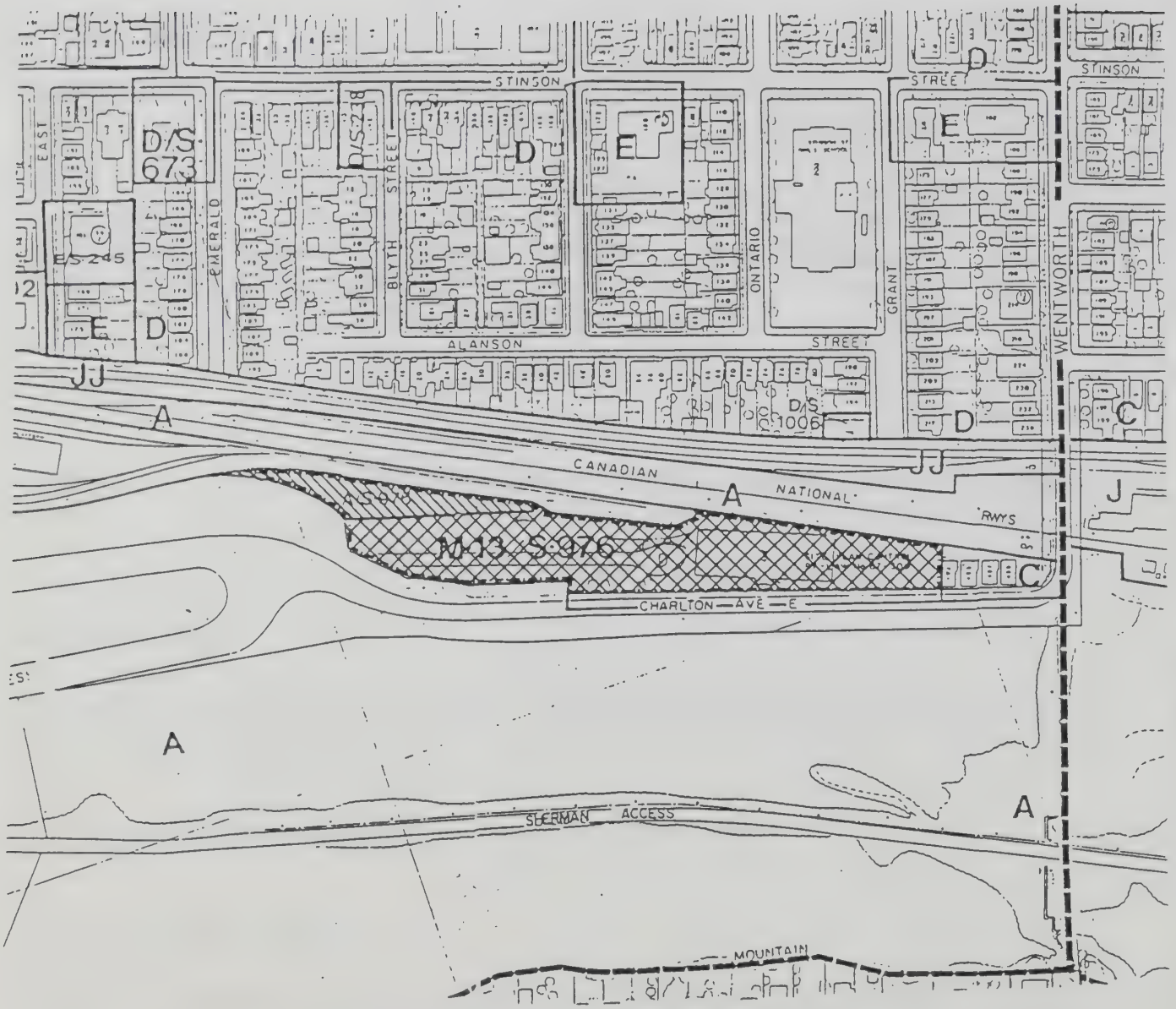
2. The proposal has merit and can be supported on the following basis:

    - The zoning modification will delete one permitted commercial use, a miniature golf course. Removal of this use will not result in any impact on abutting land uses.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Proposed Further Modification to the Established :

BLOCK 1 — "A"(Conservation, Open Space, Park and Recreation) District.

BLOCK 2 — "M-13" (Prestige Industrial) District.

APPENDIX A

Reference File No.	
CI-97-E	
Drawn By	Date
R.L.	Sep. 1997
Scale	
Not to Scale	
North	

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 14
(P5-2-31)

REPORT TO: Mrs. Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Corktown Neighbourhood Plan

RECOMMENDATIONS:

a) That the Corktown Neighbourhood Plan, 1997 Update attached hereto and marked Appendix "A" be adopted; and,

b) That the Corktown Implementation Project List, attached hereto as Appendix "B", be forwarded to the appropriate departments for implementation with coordination of the implementation plan overseen by the Planning and Development Department.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Projects listed in the implementation schedule (Appendix "B") that require capital budget funding will have to be submitted as part of the Capital Budget Process.

BACKGROUND:

Commencing in 1995, the Planning and Development Department coordinated the planning process to develop the updated Corktown Neighbourhood Plan. The project was undertaken with a group of citizens and interested parties representing the neighbourhood. These individuals are:

- Robert Charko;
- Hal Costie;
- Peggy Costie;
- Barb Cummings;
- Cecilia Findlay;
- Eyvonne Findlay;
- Hugh Greenwood;
- Mike Jerratt;
- Scott Maltman;
- Janet McNaught;
- Lynn Mitges;
- Michael Peebles;
- Marg Randall;
- Doris Skorpid;
- Frank Salvatori.

The two Ward Alderman served as ex officio members of the Committee.

Over a period of approximately one year, the Committee met to discuss various planning issues and related topics, including: transportation, environmental constraints, heritage and urban design, community development initiatives, etc. as they pertain to Corktown Neighbourhood. On December 5, 1996, a public information meeting was held at City Hall to allow the residents and business operators in Corktown Neighbourhood to comment on the proposed Neighbourhood Plan. The proposed Neighbourhood Plan was also circulated to the various City and Regional Departments with an interest in the plan. The comments received from the public and the departments have been reviewed and incorporated into the neighbourhood plan. The plan was also reviewed by staff of the Planning and Development Department to ensure the planning principles were consistent.

SUMMARY OF 1997 CORKTOWN NEIGHBOURHOOD PLAN:

The Neighbourhood Plan Committee worked with staff of the Planning and Development Department to identify the key principles for the future development of Corktown Neighbourhood. This includes the identification of four key areas for policy development and land use in the neighbourhood, as follows:

- Downtown Area: this area is the portion of the neighbourhood within the Central Business District in Hamilton (roughly the area in the northwest quadrant of the neighbourhood). The intent of the policies in this area is to support more mixed use development and increased residential development.
- Neighbourhood Residential: this area is that portion of the neighbourhood that is south of Hunter Street (approximately) to the Niagara Escarpment. The intent of the policies for this area is to strengthen the community aspects: lower density housing, the public schools, the park system (including land acquisition of the CP Yard at Ferguson and Forest for park purposes), and neighbourhood commercial development, chiefly on James

Street South.

- Transition Area: this area is the buffer area between the Downtown and the Neighbourhood Residential. It currently contains a mix of higher intensity downtown commercial development and some residential uses. The policies applicable to this area include sensitive redevelopment and enhancing the transition between downtown and the neighbourhood residential area.
- Escarpment: the escarpment area within Corktown is an integral part of the neighbourhood. Preservation and enhancement of the natural area of the Escarpment is a key component of the plan.

There are several projects that have been identified as a result of the neighbourhood planning process. These are outlined in Appendix "B" of this report. The highest priority projects for implementation are:

- acquisition of the former CP Rail Yard (Young and Forest) for parks purposes (**Note:** this project is the subject of a report to the Parks and Recreation Committee for its meeting of October 21, 1997);
- formation of a task oriented committee on traffic calming in the neighbourhood;
- detailed design and implementation of Corktown Neighbourhood Street Signs; and,
- the review of potential heritage districts by LACAC.

Work on these projects will be done in partnership with the neighbourhood association. The Planning and Development Department will oversee the coordination of implementation projects.

COMMENTS:

1. The 1997 Corktown Neighbourhood Plan provides future basis for private and public development initiatives in the neighbourhood. It also provides a policy basis for reviewing projects and sets goals for the neighbourhood in the coming years.

2. One component of the neighbourhood plan is implementation. This will be addressed in two ways: first, the Corktown Neighbourhood Association and, second, the projects identified for implementation and shown in Appendix "B" of this report. Monitoring the status of the implementation of the neighbourhood plan will be the responsibility of the Planning and Development Department through update reports every 2-3 years.

3. The Neighbourhood Planning Committee for Corktown Neighbourhood has worked hard to create a neighbourhood plan that builds on the original plan for the area (done in the 1970's). The plan is based on sound planning principles to strengthen the neighbourhood and provide opportunities for integrated development with the City as a whole. Accordingly, it is appropriate for Council to adopt the updated neighbourhood plan and the implementation projects.

4. A copy of the Corktown Neighbourhood Plan, which includes all policies, will be distributed to Committee Members under separate cover.

CORKTOWN REVIEW

LAND USE MAP 1



Corktown Neighbourhood Plan
Action Chart

Project #	Actions	Adopted With Plan	Ongoing	Timing	Implementors
	PROJECTS				
C1	Acquisition of the CP Yard for Parks Purposes		X	Short Term	Parks Staff Committee
C2	Landscaping Plan to enhance the Escarpment Natural Area		X	Medium Term	Public Works and Traffic Department; Corktown Neighbourhood Association
C3	Development of Link between Carter Park and Central Memorial Recreation Centre.		X	Short Term	Public Works and Traffic Department
C4	Urban Braille Project for James Street South.		X	Medium Term	Public Works and Traffic Department
C5	Streetscaping Plan for Neighbourhood		X	Medium Term	Public Works and Traffic Department
C6	Corktown Street Signs		X	Short Term	Public Works and Traffic Department
C7	Clean up and screening program - areas of opportunity		X	Medium Term	Corktown Neighbourhood Association
C8	Establishment of a neighbourhood promotional program		X	Medium Term	Corktown Neighbourhood Association

Corktown Neighbourhood Plan
Action Chart

Project #	Actions	Adopted With Plan	Ongoing	Timing	Implementors
	REGULATIONS				
C9	Development of a Zoning District for Institutional Uses		X	Medium Term	Planning and Development Department
C10	Review of Development Permit System		X	Medium/Long Term	Planning and Development Department
C11	Task Oriented Committee on Traffic Calming		X	Short Term	Planning and Development Department; Public Works & Traffic Dept.; Roads Dept.
C12	Urban Design Guidelines for Corktown Neighbourhood		X	Medium Term	Planning and Development Department
C13	Review of Potential Heritage Districts		X	Short Term	LACAC
C14	Statistical Update		X	Medium Term	Planning and Development Department

Legend for Timing:

Short Term: 18 months
Medium Term: 2-5 years
Long Term: beyond 5 years

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1997 October 15 ZAC-97-28 Mohawk Neighbourhood
REPORT TO:	Stella Glover, Secretary Planning and Development Committee
FROM:	Mr. V.J. Abraham, M.C.I.P., R.P.P. Director of Planning and Development Mr. J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a modification in zoning - No. 135 Fennell Avenue West.

RECOMMENDATION:

(a) That approval be given to Zoning Application 97-28, Mohawk College of Applied Arts and Technology, owner, for a modification to the established "B" (Suburban Agriculture and Residential, etc.) District regulations, for Blocks "1" and "2", for lands located at No. 135 Fennell Avenue West, to permit development of Block "1" for a student residence containing a maximum of 250 units, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "B" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8. of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances, as special requirements:

(1) Notwithstanding Section 8.(1), the following additional uses shall be permitted:

I. A Student Residence accessory to the college located on Block "2", containing a maximum of 250 units, and accommodating a maximum of 500 students.

II. A fitness centre with a maximum floor area of 270 m^2, which shall be located within the same building and shall be operated as an accessory use to a student residence on Block "1" and/or a college on Block "2".

III. Meeting and seminar rooms, which shall be located within the same building as a student residence, with a combined maximum floor area of 188 m^2.

(2) Notwithstanding Section 8.(2), no building shall exceed a height of 5 storeys.

(3) Notwithstanding Section 8.(3)(i), a front yard of a depth of at least 19 m shall be provided and maintained.

(4) Notwithstanding Section 18A.(1), a portion of the required parking spaces for the permitted uses on Block "1", may be provided and maintained on Block "2".

(5) Section 18A.(11) and 18A.(12) shall not apply to the parking areas abutting the southerly and easterly boundaries of Block "1".

(ii) That the "B" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 8.(1), parking accessory to a permitted use on Block "1", shall be permitted on Block "2".

(2) Section 18A.(11) and 18A.(12) shall not apply to the parking areas on Block "2", abutting the southerly and easterly boundaries of Block "1".

(3) Notwithstanding Section 18A.(11) and 18A(12) a minimum 6 m wide planting strip shall be provided and maintained along the southerly lot line of Block "2", beginning at the south west corner of Block "2", for a minimum distance of 445 m easterly.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-15 and W-16 be notated S- ;

(iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-15 and W-16 for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Are; and,

(vi) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding Block "1" and a portion of Block "2", as shown on the attached APPENDIX "A", to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the established "B" (Suburban Agriculture and Residential, etc.) District regulations, for Blocks "1" and "2", for lands located at No. 135 Fennell Avenue West, as shown on the attached map marked as APPENDIX "A".

The purpose of the proposed modification in zoning is to permit the establishment of a building containing a 250 unit student residence, to accommodate a maximum of 500 students, upon the lands identified as Block "1". The student residence must be accessory to Mohawk college, located on Block "2". In addition, accessory uses would be permitted within the proposed student residence building, including a fitness (wellness) centre with a maximum floor area of 270 m^2, and 2 meeting rooms and a seminar room with a combined maximum floor area of 188 m^2.

In addition, the by-law provides the following variances as special requirements:

Block "1" - Student Residence

- The building may have a height of 5 storeys, whereas the Zoning By-law permits a maximum height of 2 1/2 storeys.
- A front yard of a depth of at least 19 m shall be provided and maintained, whereas the Zoning By-law requires a front yard of 12 m.
- A portion of the required parking spaces for the student residence and accessory uses may be provided and maintained on Block "2", whereas the Zoning By-law requires parking to be provided on the same lot as the use.
- A 1.5 m landscape strip and visual barrier will not be required along the southerly and easterly boundaries of Block "1", whereas the zoning By-law requires a 1.5 m wide planting strip and visual barrier abutting the parking area.

Block "2" - Mohawk College

- Parking accessory to the student residence and accessory uses located on Block "1" shall be permitted on Block "2".
- A 1.5 m landscape strip and visual barrier will not be required adjacent to the parking areas on Block "2", along the southerly and easterly boundaries of Block

"1", whereas the zoning By-law requires a 1.5 m wide planting strip and visual barrier.

- A minimum 6 m wide planting strip shall be provided and maintained along the southerly lot line of Block "2", beginning at the south west corner of Block "1", for a minimum distance of 445 m easterly, whereas the Zoning By-law requires a minimum 1.5 m wide planting strip adjacent to the parking area.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed modification in zoning is to allow development of a student residence for Mohawk College. The proposal is to build a five storey building containing a 250 unit student residence, to accommodate a maximum of 500 students, upon the lands identified as Block "1". The preliminary site plan is attached as APPENDIX "B". A typical unit will house two students and contain its own washroom and kitchenette (fridge, sink and microwave oven). Development of the student residence will be phased. The initial phase would include 180 units to accommodate 360 students. A future second phase could provide an additional 70 units to accommodate 140 students. The timing for the second phase has not been determined. There is currently a tennis club operating on Block "1". The club leases an outdoor tennis court and an indoor court (tennis "bubble") from the College. It is our understanding the lease to the tennis club would be discontinued and the "bubble" would be removed, to accommodate the phase one student residence. The College may retain the outdoor court, until such time as it proceeds with phase two.

In addition, accessory uses are proposed within the proposed student residence building, including 1 seminar room, 2 meeting rooms and a fitness centre (wellness centre). It is proposed that the meeting and seminar rooms be available for use by the public, as well as the College and residence. The initial request of the applicant was also to have the fitness centre available to the public. This would have the effect of permitting a commercial use. However, upon discussions with Planning staff, the agent agreed to restrict the fitness centre to an accessory use only (eg. membership restricted to College students and personnel).

Parking required for the student residence would be accommodated within the existing parking areas. Existing parking is sufficient for the proposed and existing uses on both blocks. Other

than some additional landscape treatment, there are no physical changes proposed on Block "2" (see APPENDIX "A"), which will continue to be used for the existing college.

- Future Severance Application

Prior to construction of the student residence, the applicant intends to submit an application for consent to sever Block "1" from the larger college holdings, Block "2" (see APPENDIX "A"). The purpose of the severance would be for financing purposes only. Although Mohawk college would remain the owners of Block "1", it would be held under separate title from Block "2".

- Information Meetings Held by the Applicant

Since September, the applicant has held three information meetings, to discuss the proposal with area residents. According to the applicant's planning consultant, issues raised at the information meeting included: security on the Mohawk College grounds and proposed residence, height of the proposed building, access to the site during the construction period, and the possible extension of Daytona and Columbia Drives (located to the south of the College lands). As a result of discussions with area residents, Mohawk College has proposed a Landscape Development Strategy, attached as APPENDIX "C", to address some of the residents comments, such as the provision of a visual buffer, for residential properties located south of Block "2", fronting onto Delmar, Daytona and Columbia Drives. It is understood that the College will be initiating the establishment of a community advisory committee, to provide on-going communication between the College and the community.

APPLICANT:

Mohawk College of Applied Arts and Technology, owner.

LOT SIZE AND AREA:

Block "1" - Student Residence

- 281.34 m (923.03 ft.) of lot frontage on Fennell Avenue West;
- 87.4 m (286.75 ft.) of lot depth; and,
- 2.16 ha (5.34 acres) of lot area.

Block "2" - Mohawk College

- 329.23 m (1,080.17 ft.) of lot frontage on West 5th Street;

- 815.18 m (2,674.48 ft.) of lot depth; and,
- 21.64 ha (53.47 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Mohawk College and tennis club	"B" (Suburban Agriculture and Residential, etc.) District
Surrounding Lands		
To the north	A hospital	"B" (Suburban Agriculture and Residential, etc.) District, modified
To the south	Single-family residential	"C" (Urban Protected Residential, etc.) District
To the east	Single-family residential	"C" (Urban Protected Residential, etc.) District
To the west	A private elementary and secondary school	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated Major Institutional on Schedule "A" - Land Use Concept of the Official Plan. In addition to institutional uses, residential uses are also permitted, provided they are compatible with the surrounding area and are in keeping with the Residential policies contained in the Official Plan. Recreational uses are also permitted within the Major Institutional designation, provided they are also compatible with the surrounding area and ancillary to the primary institutional use. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Approved Neighbourhood Plan for the Mohawk Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:

"1. The use is considered a "Student Residence" as defined under Section 2.(2)A.(xiiab) of By-law No. 6593.

2. A "Student Residence" is not permitted.

3. The proposed five (5) storey building exceeds the maximum permitted 2-1/2 storeys.

4. A "Student Residence" containing 180 dwelling units requires a minimum of 180 parking spaces.

5. The parking abutting the proposed southerly and easterly lot lines of Part 1 do not provide the 1.5 m wide planting strip and the visual barrier as required by Section 18A.(11) and (12) of By-law 6593.

6. The parking area of Part 2 abutting the southerly and easterly lot lines of Part 1 does not provide the required 1.5 m wide planting strip and visual barrier along the lot lines on Part 2.

7. A fitness centre that is open to the public is considered a commercial gymnasium under the use of a "Commercial School", which is not permitted.

8. A meeting room available to the public is considered a commercial use of the "Public Hall", which is not permitted.

9. The records of this Department indicate that there are a total of 238 classrooms, plus the lecture theatres, not 134 classrooms and lecture rooms as indicated. The 2897 parking spaces on Part 2 are sufficient for the college.

10. The proposed meeting rooms and fitness centre would require parking at a rate of one (1) parking space for every six (6) persons who may be lawfully accommodated."

- The Department of Public Works and Traffic has advised that:

"It is our understanding that the portion of the college property that will contain the proposed student residence is to be severed from the rest of the college lands for financing purposes but will remain under the college ownership. We have no objection to the variances related to parking that are required as a result of the proposed severance

subject to confirmation from the Building Department that the overall number of parking spaces required for the college and the proposed student residence can be provided.

For the information of the applicants, we will require the establishment of mutual rights-of-way as a condition of the proposed severance approval to ensure continued sharing of the access and parking facilities."

- The Hamilton Region Conservation Authority have no comments or objections.

- The Regional Environment and Transportation Departments have advised that:

"There are public watermains, separate storm and sanitary sewer and combined sewer adjacent to the subject lands.

We recommend that as a condition of Zoning approval that the subject lands be developed under Site Plan Control. The applicant/owner should be advised that as a condition of Site Plan Approval, we will require a servicing study be submitted which addresses the sites stormwater management, ie, quality and quantity of run-off, and sanitary servicing, including generation rates, capacities, analysis of existing system capabilities etc.

The Region's Transportation Department, Roads Division have the following comments with respect to this application.

(1) According to our records, the Region has previously acquired all the required road allowance widenings on Fennell Avenue and West 5th Street. Therefore, we do not anticipate any further road allowance widenings at this time.

(2). We recommend that this proposed development be subject to Site Plan Control. Further comments on setbacks, access, rights-of-ways, etc. will be submitted at such time as detailed site plans and/or the land severance applications are submitted to our Office for review and comments.

(3) Any works which may occur within the adjacent road allowances must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported on the following basis:

- The Zoning By-law does permit a College to have an accessory dormitory, with no limitation to the number of students. However, the Building Department considers the proposal to be a "Student Residence", by definition, since the units will contain their own washrooms and kitchenettes (fridge, sink and microwave oven). A dormitory would typically provide shared washroom and dining facilities. The proposal is actually an updated version of a dormitory. The proposed student residence will be accessory to the College, and functionally would be no different than a dormitory. Therefore, the proposal complies with the intent of the Zoning By-law, to allow colleges to provide on-campus living accommodations for students.

- There are currently no on-campus living accommodations for students of Mohawk College. Consequently, the housing required for out of town students is likely provided entirely within the adjacent residential neighbourhoods. The City has experienced problems created by the demand for student housing within neighbourhoods surrounding McMaster University (eg. overbuilding on residential lots resulting in the alteration of the character of the neighbourhoods). Although, the Department is not aware of similar problems within the neighbourhoods surrounding Mohawk College, the provision of a student residence could alleviate potential problems associated with student housing in neighbourhoods surrounding Mohawk College.

- The student residence will be compatible with the adjacent established development, and will be appropriately located with respect to adjacent land uses. The residence will be well buffered from residential land uses to the north-west, across Fennell Avenue, by existing heavy vegetation along Fennell Avenue. Furthermore, the student residence building will be located approximately 330 m (1,083) ft.) from the dwellings to the south (on Delmar, Daytona and Columbia Drives).

3. Since the "B" (Suburban Agriculture and Residential, etc.) District is not under Site Plan Control, it is recommended that a Site Plan Control By-law be passed to place the lands under Site Plan Control, to allow the City to review the details of the development. In addition, the applicant has prepared a Landscape Development Strategy, which includes the parking area to the south of the student residence. The intent is to improve the existing landscape treatment, to provide a visual buffer between the student residence and adjacent residential land uses. The landscape strategy includes Block "1", as well as the parking areas located in Block "2". Consequently, a portion of the lands within Block "2" should also be placed under Site Plan Control, as shown on the attached APPENDIX "A".

4. The proposal requires a number of variances to the "B" (Suburban Agriculture and Residential, etc.) District regulations. The variances can be supported, as outlined below.

Block "1" - Student Residence

- A variance is required to permit the use of a student residence. However, as noted above, this variance is considered a technicality. Although dormitories are a permitted use, the Building Department considers the proposal to be more in keeping with the definition of "Student Residence". The capacities indicated in the application of 250 units and 500 students should be included as maximums.

- Variances are also required to permit the fitness centre, meeting rooms and seminar room. The fitness centre will be restricted to an accessory use only, and will not be permitted to be open to the public. The meeting and seminar rooms will be open for use by the public, however, this would benefit the community. Furthermore, it is common for such facilities to be open for public use. The fitness centre should be restricted to a maximum floor area of 270 m^2, and the meeting and seminar rooms should be restricted to a combined maximum floor area of 188 m^2, as indicated in the application.

- The Zoning By-law permits a maximum building height of 2 1/2 storeys within the "B" (Suburban Agriculture and Residential, etc.) District. A variance is required to allow the proposed height of 5 storeys for the student residence building. The actual building height would be approximately 15.06 m to the top of the fifth storey and 20.11 m to the top of the mechanical penthouse. However, the height of the student residence building would not be out of character with the existing College buildings on the subject lands. The existing College buildings have heights which are similar to, or exceed, the proposed building. For example, according to the applicant, the east wing has a height of 14.6 m (48 ft.) to the top of the parapet and 23.43 m (76.87 ft.) to the top of the mechanical penthouse. Furthermore, the building would be well buffered from adjacent residential land uses.

- The Zoning By-law requires a front yard of 12 m. However, since a front yard of 19 m is proposed, it should be required as a minimum. This will ensure that the building is setback a sufficient distance from Fennell Avenue, to accommodate the retention of the existing vegetation in this area.

- A variance is required to allow a portion of the required parking spaces for the student residence and accessory uses to be provided on Block "2", rather than entirely on Block "1". There will be no reduction in the overall parking requirement and the existing parking areas will continue to serve the College, as well as the student residence. This variance is a result of the future severance of Block "1" and is considered a technicality.

- A variance is required to eliminate the requirement for a 1.5 m landscape strip and visual barrier along the southerly and easterly boundaries of Block "1". Once

Block "1" is severed, the parking areas on Block "1" will abut a residential district to the south and east (Block "2"). However, functionally there is no need for buffering between Blocks "1" and "2". This variance is also a technicality.

Block "2" - Mohawk College

- A variance is required to allow parking accessory to a use on Block "1", to be located on Block "2". This variance is a result of the future severance of Block "1" and is considered a technicality.

- A variance is required to eliminate the requirement for a 1.5 m landscape strip and visual barrier where the parking areas on Block "2" abut the southerly and easterly boundaries of Block "1". Once Block "1" is severed, the parking areas on Block "2" will abut a residential district to the north and west (Block "1"). However, functionally there is no need for buffering between Blocks "1" and "2". This variance is also a technicality.

- A minimum 6 m wide planting strip (19.68 ft.) should be required along the southerly lot line of Block "2", adjacent to the parking area located to the south of the proposed student residence. The Zoning By-law only requires a 1.5 m wide planting strip, adjacent to parking areas, however, the intensity of the college use and size of the parking area merits an increase in the buffer strip. The 6 m planting strip is consistent with planting strips required for highway commercial uses where they abut residential uses. Furthermore, the Landscape Development Strategy proposed by the applicant for the lands includes a buffer strip which exceeds 6 m in width (see APPENDIX "C").

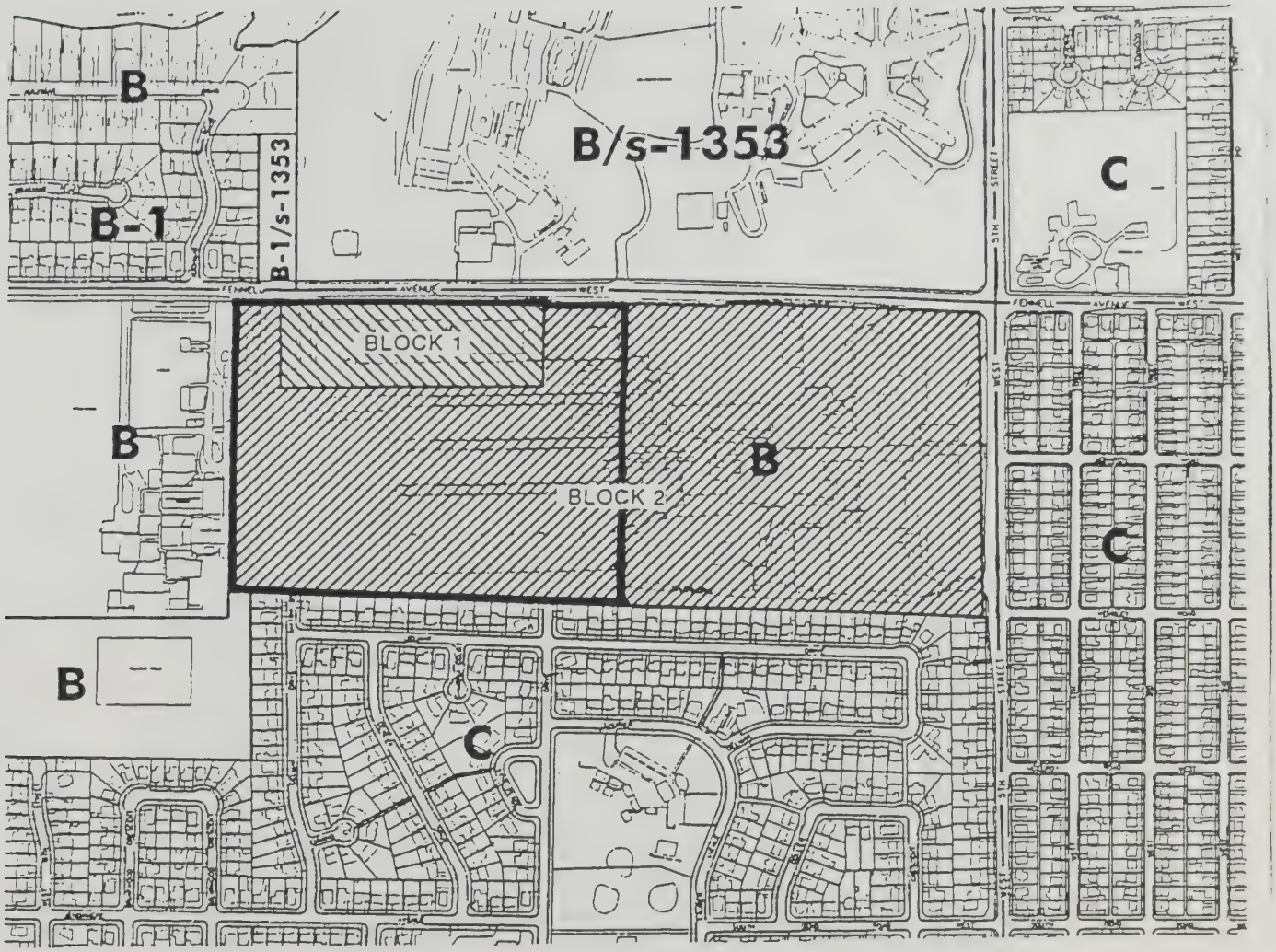
4. Since the "B" (Suburban Agriculture and Residential) District is not under Site Plan Control, it is recommended that a Site Plan Control By-law be passed to place the lands under Site Plan Control, to allow the City to review the details of the development. In addition, the applicant has prepared a Landscape Development Strategy, which includes the parking area to the south of the proposed student residence. The landscape strategy includes Block "1", as well as the parking areas located in Block "2". The strategy proposes improvements to the existing landscape treatment to enhance the visual buffer between the student residence and the residential land uses to the south. Consequently, a portion of the lands within Block "2" should also be placed under Site Plan Control, as shown on the attached APPENDIX "A".

5. The Regional Environment Department has indicated that, although water and sewer services are available, a servicing study must be submitted which addresses the sites stormwater management, ie, quality and quantity of run-off, and sanitary servicing, including generation rates, capacities, analysis of existing system capabilities etc. They have suggested that the appropriate time to require these studies is as a condition of Site Plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

BLOCK 1
BLOCK 2

Proposed modification to the established "B" (Suburban Agriculture and Residential, etc.) District.

Lands proposed to be placed under Site Plan Control

ZAC-97-28

APPENDIX A

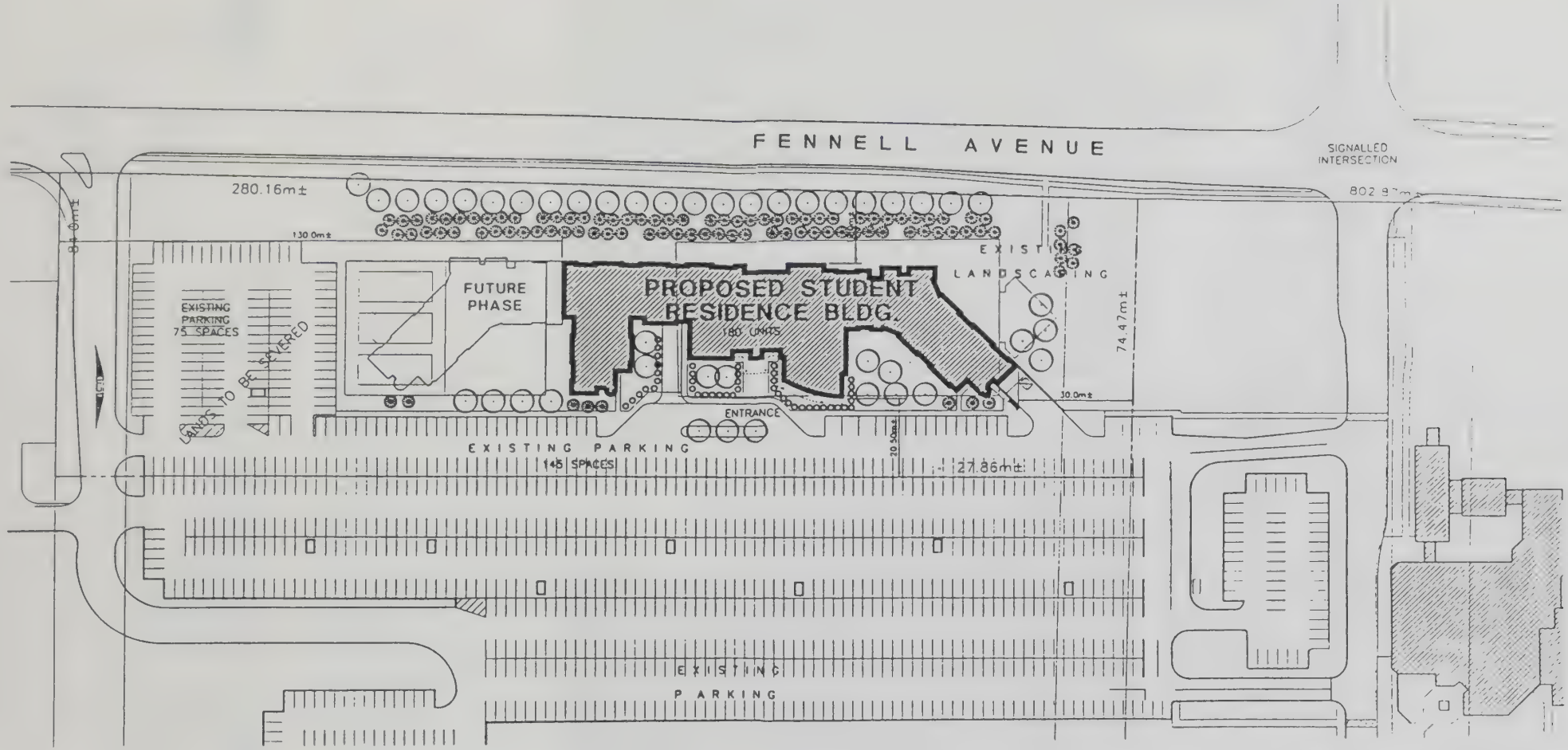


FIGURE No. 2: SITE PLAN - PART 1

BUTTCON DEVELOPMENT CORPORATION

MOFFAT KINOSHITA ARCHITECTS INC.

CAMPUS LIVING CENTRES

MOHAWK COLLEGE
PROPOSED STUDENT RESIDENCE
FENNELL CAMPUS

AUGUST 1, 1997

APPENDIX B

LANDSCAPE DEVELOPMENT STRATEGY

APPENDIX C

C:\GLEN\97-591\97591L2
Thu Sep 25 17:43:43 1997

Dofasco Inc., P.O. Box 2460, Hamilton, Ontario L8N 3J5
Telephone (905) 544-3761

OCT 06 1997

John T. Mayberry
President and
Chief Executive Officer

September 29, 1997

3. (a.)

Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

RE: Residence Proposal - Mohawk College

I am writing in support of the Mohawk College proposal to build a student residence on their property.

They have an innovative approach to funding the residence, and it will be very valuable for current and new students at the College.

Sincerely,

John Mayberry

JTM/vm

Copy sent to V. Abraham, Director, Planning and Development Department and P. Noé Johnson, City Solicitor - 1997 Oct. 6

ZAC-97-28.

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 16
(OPA-LAPP)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Official Plan Amendment - 100 Beddoe Drive
(Lapp Property)

RECOMMENDATIONS:

A. That approval be given to Official Plan Amendment No. , Chedoke Terrace Inc., owner, for a redesignation from INDUSTRIAL to RESIDENTIAL on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan,to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as APPENDIX "A", on the following basis:

i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter ("U" shaped) building and 76 interior townhouse units;

ii) the maximum height of the townhouses shall not exceed 12.5 m and the turret feature on the community building shall not exceed 15 m;

iii) in accordance with Section A.2.1.3 iii), retail stores and services that serve the daily needs of the residents will be permitted within the perimeter building only;

iv) the lands will be subject to site plan control.

B. That upon finalization of the Official Plan Amendment, the approved Chedoke Park Neighbourhood Plan be amended by redesignating the subject lands from "Special Policy Area" to "Attached Housing".

C. That Site Plan Control By-law No. 79-275, as amended by By-law No 87-223, be further amended by adding the lands located at 100 Beddoe Drive and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council.

D. That the following conditions be imposed on the development in accordance with the Consolidated Board's decision:

i) In addition to the standard requirements of the Site Plan Control Process, the following additional requirements will be imposed:

a) a 4.5 m acoustical barrier shall be provided and maintained on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building, approximately 130 m).

b) a 1.2 to 2.0 m visual barrier shall be provided and maintained along the westerly boundary between the most northerly point of the property and end of the townhouses in the perimeter building, approximately 150 m.

c) a 3 m high acoustical barrier, approximately 20 m in length, shall be provided and maintained in the area of townhouses located within the woodlot to protect the most southerly row of townhouses and their amenity/rear yard area.

d) a 3 m high acoustical barrier, approximately in length extend southerly from the wall of the eastern most townhouse unit in the most southerly row of townhouses.

e) The Landscape Plan shall include the following details: the location, size, number and type of trees to be planted, predominantly native plant materials; a planting schedule and a maintenance statement that will require the care and replacement of stock, and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction.

f) A Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, signing, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted.)

g) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

h) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

i) The applicant shall consider establishing a bus stop abutting the property

ii) Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard.

	Rail(*)	dBA Road(*)	Works Yard(**)
Bedrooms (2300-0700)	35	40	40
Living/Dining/Recreation Rooms (0700-2300)	40	45	45

*LEQ for indicated time period **LEQ for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing.

iii) The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard.

iv) Air conditioning shall be installed in all units.

v) The easterly four units of the south easterly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the south or south east.

vi) The westerly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the north.

vii) There shall be no windows, balconies, or amenity areas above the first floor in the end units of either the southwesterly row of townhouses or the westerly leg of the perimeter building.

viii) Balconies or other amenity areas above the first floor of the westerly unit of the southwestern row of townhouses shall not have line-of-sight to any portion of the Public Works Yard.

ix) The owner undertake a vibration study to the satisfaction of the St. Lawrence and Hudson Railway Company.

x) All of the units shall carry the following Warning Clause on all Agreements of Purchase and Sale or lease or reservation agreements and is to be registered on the

title of the land:

> *"Occupants are advised that noise levels for the Public Works Yard and the Rail Yard may, at times be a concern, occasionally interfering with some activities of the dwelling occupants as the noise level may exceed the Ministry of Environment and Energy's noise guidelines."*

The clause is to be to the satisfaction of the City Solicitor and the Director of the Planning and Development Department:

xi) A visual barrier, between 1.8 and 2.0 m in height, be installed at the expense of the owner, separating the Railway Property from Studholme Road for that area opposite the subject lands. The fence shall be constructed from the eastern most terminus of the existing fence along the Railway property on the north side of Studholme Road to a point directly north of the western boundary of the subject property. The Fence shall be constructed on City lands and designed and constructed to the satisfaction of the Commissioner of Public Works and Traffic Department and the Director of the Planning and Development Department.

xii) The owner pay 50% of the cost of constructing a sidewalk on the south side of Aberdeen Avenue between Studholme Road and the existing municipal sidewalk west of Chedoke Avenue.

xiii) Studholme Road is to be constructed to an urban cross section and the method of financing be determined by the Transport and Environment Committee.

xiv) Sidewalks shall be provided, at the owners cost, on Beddoe Drive and Studholme Road adjacent to the subject property.

xv) A sidewalk shall be provided, at the owners cost, along one side of Studholme Road from the eats side of Beddoe Drive to Aberdeen Avenue.

xvi) Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment and Energy with respect to noise mitigation features for all buildings and structures.

xvii) Development shall take place only in accordance with the site plan and development permit application approved, except where special conditions are to apply.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The proposal is to develop the site for 172 townhouse dwelling units; 148 units in the northern portion of the site and 24 units in the southern portion (see APPENDIX "B").

The **northern portion** of the site is comprised of 72 continuous three story perimeter units with rear garages in the shape of a "U" and there will be 54, two storey units within the "U". The units will be oriented towards the interior of the site. The 7 m rear yard is located between the garage and the principle building. At the corner of Beddoe Drive and Studholme Drive, there will be turreted corner building for the purposes of a condominium office, recreational facilities, and/or small tuck shop.

Within the interior of the site, there will be an open space amenity/recreation area for the resident. An internal sidewalk will be provided for pedestrian circulation.

The **southern portion** of the site would accommodate 10 bungalow units with lofts and 14, two storey units. The buildings are located within the original building envelope established by the Niagara Escarpment Commission (NEC).

From an urban design perspective, the general lot layout implements the MOEE noise criteria. The resulting "U" shaped building creates a development that is "inward facing". The front yards, amenity areas, socialization and pedestrianisation will occur within the centre of the development. As a result, the garages face the street along the perimeter of the building which creates a street/road frontage which has the appearance of a back lane.

Generally, the proposal creates a relatively sun lit residential environment. In addition, this lot configuration allows for a safe environment sheltered from traffic and unwanted noise.

- 1992 Proposal

In January 1992, City Council denied the Official Plan Amendment application for a redesignation from INDUSTRIAL to RESIDENTIAL. The proposal was to allow the development of the lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units.

The basis for the denial was that MOEE indicated the noise mitigative measures were

inappropriate; the woodlot needed to be preserved; and it was contrary to the Neighbourhood Plan.

Council's decision was appealed to the Consolidated Board

In addition, the Niagara Escarpment Commission decision to deny the Development Permits was also appealed.

- Proposal approved by the Consolidated Board

In 1992, a Joint Consolidated Board hearing was held to determine the appropriate land use for the Lapp property. The decision of the Board was to approve an amendment to the Official Plan from INDUSTRIAL to RESIDENTIAL and to allow a Development Permit under the jurisdiction of the NEC for 318 units (67 townhouses and 251 apartment units), provided a number of conditions were fulfilled.

After the Board decision was rendered, the owner of the lands approached the City to seek approval to modify the development to allow for townhouse units. City Council, at its meeting of January 30, 1996, indicated that a new application was required. The Board concurred with this rationale as follows:

> "After considering your request, as well as correspondence from other parties in response to that request, the chairs of the Ontario Municipal Board and the Environmental Assessment Board have concluded that there is no authority to reopen and amend the joint board's decision.
>
> It appears that the Consolidated Hearings Act has very limited provision for the amendment of decisions made by joint boards. A joint board may rehear all or part of a matter only before issuing its decision. In addition, the establishing authority may re-establish a joint board where it believes that part of the decision requires clarification. Unfortunately, it appears that you are asking for a change in the decision rather than a clarification of the decision.
>
> Although we are sympathetic to your desire for a speedy determination on changes to your project it has been determined that the rehearing provisions do not apply to your situation."

As a consequence the owners of the property have submitted a new application for a redesignation from INDUSTRIAL to RESIDENTIAL in the Official Plan for 172 townhouses.

LOT SIZE AND AREA:

The subject lands have:

- 171.9 m (264 ft.) of frontage on Studholme Road;
- 305.6 m (1,002.5 ft.) along Beddoe Drive; and,
- 5.5 ha (13.5 ac.) of lot area.

APPLICANT:

Chedoke Terrace Inc., owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	Development Control (NEC)
Surrounding Lands		
to the north	Rail yard	"K" (Heavy Industrial, etc) District
to the east and south	Golf Course	Development Control (NEC)
to the west	Public Works Yard	Development Control

OFFICIAL PLAN:

The subject lands are designated INDUSTRIAL on Schedule "A" - Land Use Concept. Residential uses are not permitted within an INDUSTRIAL designation. Therefore, an amendment is required to redesignate the subject lands to RESIDENTIAL.

Given the special nature of the site, it would be appropriate to establish a Special Policy Area to define the specific type of residential uses to be permitted on the site and to establish special conditions (i.e site plan control).

NEIGHBOURHOOD PLAN:

The subject lands are designated "Special Policy Area" in the Chedoke Park Neighbourhood plan. The permitted uses include: non-retail commercial, light industrial, non-residential institutional, recreational uses or combinations thereof. The residential use would not be permitted. Accordingly an amendment to the Neighbourhood Plan would be required to redesignate the lands to "Attached Housing".

For the information of the Committee, this Neighbourhood Plan was done specifically because of the Lapp development proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Public Works and Traffic Department (Public Works Division) has advised that:

  "1. The Public Works Yard has been in place at this location for many years. This type of facility generates noise at all times of day and night, on weekdays and weekends - particularly during the winter months when the operation can often be on a twenty-four (24) hour basis. Accordingly, we request that a clause be placed on title to these lands warning potential owners that noise, odours and dust will be generated by the Public Works Yard adjacent to their site.

  2. Any roadway improvements required adjacent to this site should be made at the expense of the developer.

  3. Along the boundary between this site and the Public Works Yard, fencing is proposed. The portion of that fencing which is proposed on the O.P.A. plan to be chain link should be a solid fence to provide a visual barrier between this development and our yard. In addition, appropriate landscaping should be required as a buffer to help mitigate the visual, noise and dust problems from the works yard."

- The Department of Public Works and Traffic (Traffic Division) has advised that:

  "In response to your memorandum dated 1997 August 19, we offer the following comments on the "Refined Development Concept" document prepared by Fothergill Planning and Development Inc.

  Overall, the proposed design appears to be acceptable. From the point of view of traffic impacts, this proposal represents approximately a 50 percent reduction in traffic generation as compared to the previously board-approved development concept. Trip generation (based on trip generation information published by the Institute of Transportation Engineers) during the AM peak hour has been reduced from 155 trips to 78 trips while the PM peak hour trips have been reduced from 194 to 97.

  With respect to the specific site plans included with this submission, the applicants should be made aware of the following preliminary comments:

  1. We do not agree with the proposed driveway design for the individual accesses to Beddoe Drive or Studholme Road.

  2. The planting of trees adjacent to the above driveways should not occur within the road allowance as proposed. The majority of these trees should be relocated onto private property.

3. Any works to be carried out off-site as a condition of approval for this proposal should be identified."

- The Culture and Recreation Department has advised that:

"With regards to this proposed development, we can report that both Ryerson Recreation Centre and Dalewood Recreation Centre would be the two closest public recreation facilities.

In both cases, the Centres have the capacity to meet additional demands that would be generated from the new residents of this development.

Coronation Arena, similarly, serves as the local hockey centre through the Coronation Minor Hockey Association. It, too, has space for additional players.

The proximity of Chedoke Civic Golf Course/Ski Hill and the Radial Trail provides additional outdoor recreation opportunities.

I note, however, that there exists few local parks, with Beulah Park being the closest. Consideration should be given to an onside park where play structure equipment would provide an important recreation service for younger children.

- The Regional Environment Department (Development Division) has reviewed the application and has advised that:

"We will require that the applicant/owner submit a detailed storm water management report which will address the impacts of development of the subject lands on adjacent lands, the existing infrastructure and any downstream watercourse. The report must be prepared by a Professional Engineer and must identify storm water management measures that are to be utilized in order to mitigate any negative impacts required as a result of this development. The results of this study may result in changes to the proposed site plan submitted.

There are no sanitary sewer adjacent to the subject lands and the block of land for the 24 townhouses to the south. A connection to the sanitary sewer system is available at the intersection of Aberdeen Avenue and MacDonald Avenue. This sanitary sewer connection will require a Special Servicing Agreement with the Region and the applicant/owner will be responsible for all costs in bringing the sanitary sewer connection from the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue.

The Regional Transportation Department, Roads Division have the following comments.

We have reviewed the Official Plan Amendment for Lapp Lands and the preliminary site plan submitted on the basis that the maximum number of residential units as noted in the OPA application has been reduced from 318 residential units to 172 residential units. The following comments are based on the preliminary site plans submitted:

1. In accordance with the requirements of the OMB decision, we understand that the subject

lands will be developed through site plan control with the City of Hamilton and Development Permit Control with the Niagara Escarpment Commission. We will provide specific details on grading, access, landscaping etc at such time as these plans are submitted for our review and comment.

With respect to the preliminary site and landscape plans submitted, we have reviewed them based on the fact that the setback of the townhouse garages from the Beddoe Drive road allowance and Studholme Drive road allowance is 6.0m. Further, we understand that the minimum building setback of Unit 148 from the Beddoe Drive road allowance is 4.5m. We also recommend that any fencing or landscaping adjacent to the accesses and the road allowances be positioned such that motorists exiting the site from either Studholme Drive or Beddoe Drive have adequate sight visibility. According to our records, the existing pavement on Beddoe Drive is approximately 2.1 m from the west road allowance limits which results in critical motorist sight lines looking to the north and south. As a result, we recommend that any trees or landscape features be placed on private property only between the individual driveway of the townhouse units and that these trees be setback a minimum of 2.5m from the Beddoe Drive road allowance limits. Any vegetation or landscaping within the road allowance and for the first 2.5m on private property should not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Beddoe Drive. We also recommend that specific requirements be introduced in the Zoning or NEC regulations to ensure that fences be required to be setback a minimum of 5.0m from the Beddoe Drive and Studholme Drive road allowance limits, adjacent to the driveways to ensure that motorists entering the municipal sidewalk areas have sufficient visibility, etc. We also recommend that the proposed street trees on Studholme Road be relocated to private property, between the proposed driveways and that the trees be set back a minimum of 2.5m from the Studholme Road road allowance limits.

2. The construction of sidewalks on either Beddoe Drive or Studholme Road will be dealt with through the provisions of the Local Improvement Act. Since this development will likely generate pedestrian traffic on the south side of Aberdeen Avenue, east of Studholme Road, we understand that the City of Hamilton Department of Public Works and Traffic will require that as a condition of development/site plan approval that the owner contribute 50% share of the cost of construction of a sidewalk on the south side of Aberdeen Avenue from Studholme Road to the existing municipal sidewalk west of Chedoke Avenue. This construction work will require the relocation of the retaining wall adjacent to the Golf Course which appears to be located within the Aberdeen Avenue road allowance.

3. The preliminary site plan also indicates that a cul-de-sac bulb will be constructed on Studholme Road at the west end of this development. As Studholme Road is open as a public highway west of this property and as Studholme Road provides public highway access to a public golf driving range and access to the City of Hamilton Department of Public Works and Traffic Works Yard, we require that the cul-de-sac configuration be removed from Studholme Road and that the roadway remain clear of curbs and fences, etc.

4. According to our records, the proposed development includes the construction of a

parking area and internal road over an existing sewer/drainage easement shown as Part 2 on Reference Plan 62R-6546 and the status of this easement, etc. should be determined.

5. We require 5m by 5m visibility triangles between the main accesses to Studholme Drive and Beddoe Drive and the road allowance limits and a 9m by 9m visibility triangle at the intersection of Studholme Road and Beddoe Drive in which the maximum height of any object or mature vegetation (excluding existing trees) cannot exceed a height of 0.60m above the corresponding perpendicular centreline elevation of the adjacent street. All the entry features must also conform to these sight line requirements.

6. The plans submitted by the applicant indicate a proposed curb and gutter cross section and sidewalks on Studholme Road and proposed sidewalks on Beddoe Drive, adjacent to this development. This proposal is in keeping with the proposed urban design currently being proposed on these lands and facilitates the vehicle traffic and pedestrian activity generated as a result of this development. Further, the proposed curb and gutter on both sides of Studholme Road from Beddoe Drive to the west end of this development is required to provide differentiation between the numerous street townhouse type accesses on the southside. Due to the number of accesses, it is then desirable to provide the sidewalk on the northside of this section of Studholme Road.

Based on the above and the fact that the applicant/owner has shown these works on the proposed site plan, we recommend that as a condition of development approval, these works be constructed and the method of financing be determined by the City of Hamilton Transport and Environment Committee."

- The Regional Environment Department (Planning Division) has advised that:

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and Niagara Escarpment Plan "Urban Area", in the Hamilton-Wentworth Official Plan (H.W.O.P.). The proposed development would not conflict with the intent of the H.W.O.P., and would coincide with the intensification objectives of the H.W.O.P.

It is noted that this revised proposal reduces the overall number of units to be constructed, from that which was approved by the Joint Board in 1993 as a result of a Joint Consolidated Board Hearing. The H.W.O.P. supports a "compact higher density urban form". While the unit reduction does not conflict with the H.W.O.P., it may have been more desirable to keep the density as high as possible. However, the desire for higher densities in this case may be offset by potential traffic/road capacity difficulties associated with access onto Aberdeen Avenue.

Therefore, on the basis of the history of this revised proposal, and the conditional approval by the Joint Board of the previous application, this revised proposal does not conflict with the intent of the H.W.O.P.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided the conditions of the affected Ministries as approved by The Joint Board, with respect to the previous proposal, are appropriately incorporated in this revised proposal."

- The Public Library has no concerns regarding the delivery of library service.

- The Niagara Escarpment Commission have the following comments:

"The subject lands are designated "Urban Area" in the Niagara Escarpment Plan and are within the Niagara Escarpment Development Control Area. Permitted uses in this designation may be established in a local official plan, subject to the Development Objectives of the designation.

This application follows a Joint Board decision for a previous Official Plan Amendment and Development Permit Application which approved a residential development of a greater density than what is presently proposed. A new Development Permit Application, N.E.C. File W/R/96-97/86 has also been applied for in relation to this project and is being processed concurrently.

Given that this proposal is less intensive a development and conforms to all of the Urban Area Development Objectives (previous issues such as building heights and mass and associated visual impacts, and tree preservation addressed by the Commission in the original application are either equal or reduced in impact with this proposal) staff has no objection to the proposed amendment.

Final site plan and design issues can be dealt with in the Development Permit Application."

- The Hamilton-Wentworth Roman Catholic Separate School Board has advised that:

"The Administration does not have any objections or modifications to the proposal. The following information is provided in order to assist you in reviewing the proposal:

School	St. Joseph
Grade	ECE - 8
Capacity	746
Portables	0
Enrolment	370

The School Board has advised that children would attend St. Mary's high school which is at capacity. However, all of the high schools are at capacity in the area. Portables are or will be required"

- The Hamilton Board of Education has advised that:

"The following schools are within the school attendance area for this address:

JK - Grade 5	-	Earl Kitchener
Grade 6, 7, 8	-	Ryerson
Grade 9 - O.A.C.	-	Westdale

The proposed plan appears to have limited impact on enrolment.

I should note that the schools in this attendance area are dual track French Immersion. We currently have portable classrooms at Ryerson and Earl Kitchener is close to full capacity. The

room for portable classes at these schools is limited."

- The Ministry of Environment and Energy has advised that:

"The "noise issues" are contained under Tab 3, Environmental Noise Control, prepared by Valcoustics, dated July 24, 1997. Having reviewed the Valcoustics report, I am satisfied with the proposal and have no comments.

From letter dated May 7, 1997 - Based on the submission, we are satisfied that the "noise" conditions of the current OPA are consistent with the original conditions imposed by the Board. Furthermore, we assume that the three issues identified by the bullets in our January 16, 1996 memo will be addressed at the Site Plan stage."

- CP Rail has advised that:

"The "Conditions of Approval" mentioned in Schedule "B" of the 1993 OMB Decision continue to be imposed on the development.

Accordingly, St Lawrence & Hudson strongly opposes any residential developments adjacent to their corridors.

Notwithstanding this position, should the City allow this development to proceed, and as per the OMB conditions there are a number of St L&H concerns which we would like to have readdressed in order to minimize future community problems.

a) A clause should be inserted in all offers of sale and purchase or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.

b) Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivisions and to recommend mitigation measures if required. The recommendations of the study are to be implemented.

c) Setback of dwellings from the railway right-of-way to be a minimum of 30 metres. While no dwelling should be closer to the right-of-way than the specified setback, an unoccupied building, such as a garage, may be built closer. Any opening between these garages will be closed with a durable material weighing not less than 20 kg. per square metre (4 lb./sq.ft.) of surface area.

d) Ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwelling within 75 metres of the nearest track should be protected. The measures employed may be:

i) Support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12 Hz.

ii) Insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or

iii) Other suitable measures that will retain their effectiveness over time.

e) A clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

f) Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.

g) Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement."

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved, an Official Plan Amendment is required to redesignate the subject lands from INDUSTRIAL to RESIDENTIAL and to create a "Special Policy Area" to incorporate special provisions.

2. The proposal, if approved, would require an amendment to the approved Chedoke Neighbourhood Plan from "Special Policy Area" to "Attached Housing". The density is approximately 13 units per acre which is consistent with the "Attached Housing" designation.

3. The proposal has merit and can be supported for the following reasons:

<u>Positive aspects</u>

i) it provides for the adaptive reuse of an existing former industrial site;

ii) it is located in close proximity to services such as public transit route, shopping, public transit, highway access, etc;

iii) it implements the philosophy of sustainable development and housing intensification which is to encourage additional development in areas that are presently serviced and developed.

Potential Negative Aspects

i) the site is located in close proximity to the Public Works yard and the railway yard which are identified as noise sources. However, the proposal satisfies the concerns of the MOEE with respect to noise levels.

The Consolidated Board approved the site for residential development (318 units) in 1993.

5. The neighbourhood residents raised concerns about the development. These concerns are summarized below:

Traffic

The trip generation from the 172 units is approximately a 50% reduction from the "Board approved Plan", as identified in the Traffic Division's comments. Trip generation (based on trip generation information published by the Institute of Transportation Engineers) during the AM peak hour has been reduced from 155 trips to 78 trips while the PM peak hour trips have been reduced from 194 to 97.

Schools

The Hamilton Board of Education have indicated the existing elementary and middle school are close to existing full capacity; however, they indicate the *"proposed plan appears to have limited impact on enrolment"*.

There is ample capacity at the Hamilton-Wentworth Roman Catholic School Board at the elementary school. The capacity at all the area high schools is at capacity.

Recreational Facilities

The recreational facilities have capacity in the area to accommodate any new residents. These facilities include the recreation centres, arena, library. In addition, there are other recreational opportunities offered by the golf course and the ski hill.

With respect to a play structure, the proposed development includes an area which is

intended to include a pool and other amenity features such as a play structure.

Pedestrianisation

One of the concerns was the safety of pedestrians along Studholme Road, the owner has agreed he is willing to pay for a sidewalk between the development and Aberdeen Avenue. This point has been included as a condition of approval.

Noise

The site is located in close proximity to two noise sources: the Public Works yard and the railway yard. The design of the units, the configuration of the buildings and noise attenuation measures have been provided in accordance with the MOEE guidelines. In addition, warning clauses will be required for all offers to purchase of sale and lease and reservation agreements indicating that the railway and Public Works Yard are noise sources.

5. It is proposed to amend Site Plan Control By-law to include this site. Matters such as landscaping, parking, access, grading, amenity areas can be ore closely examined. As part of the regular site plan control process, the City requires the owner to submit grading plans, landscape plans, elevations, etc. for review and approval. Many of the conditions outlined in the original Board order included these plans. As a result it is not necessary to include these as conditions. However, there are other elements within the conditions that site plan control does not deal with specifically. In this regard, part of the approval of the site plan will include a storm water management plan, tree preservation plan, erosion and sediment control plan as well as some details with respect to landscaping.

   It should be noted that any site plan control application will be circulated to the Niagara Escarpment Commission for their approval.

6. Appendix "C" includes the original 30 conditions of the Board order and brief explanation as to their applicability. It should be noted that some of the conditions relate specifically to the Development Permit and in this regard, are **not** the jurisdiction of the City.

7. With respect to the Railway's conditions, Regional Environment and Regional Transportation Departments' and Traffic Division's comments, their points have been incorporated into the recommendation.

CONCLUSION:

Based on the foregoing, the application can be supported.

JHE:fd
c:opa\lapp\P&D.rpt



Changes to the Hamilton Official Plan

1. Schedule "A" - Land Use Concept of the Official Plan: Redesignate from "Industrial" to "Residential".
2. Schedule "B" - Special Policy Areas: Add as a new Special Policy Area.

APPENDIX "B"

STUDHOLME ROAD
BEDDOE DRIVE
BEDDOE DRIVE
CHEROKEE TERRACE CONDOMINIUM TOWNHOMES
HAMILTON, ONTARIO
LANDSCAPE PLAN
ALTERNATIVE 10
CHEROKEE TERRACE INC.
DO NOT SCALE DRAWINGS

APPENDIX "C"

SCHEDULE B

CONDITIONS OF APPROVAL FROM THE CONSOLIDATED BOARD

Identified below are 30 conditions the Consolidated Board imposed on the residential development (211 apartment units in a "U" shaped building and 107 townhouse units). The bold writing is an explanation of how each of these conditions relates to the new proposal.

1. The maximum height of the apartment building along Studholme Road and Beddoe Drive shall be 15.6 m (51 feet). The maximum height of the apartment building adjacent to the Public Works Yard shall be 18 m (59 feet). This height is to be measured from the ground level at the inside face of the apartment building.

   The height of the building has changed. The townhouse units will have a maximum height of 12.5 m and the community building, including the turret feature will be 15 m. The new height restriction will be included in the Official Plan Amendment.

2. Townhouse units on the eastern 80 m of the site except the most southerly row, with windows exposed to the Rail Yard, shall be air-conditioned.

   All units will be air conditioned. A new clause will be added.

3. The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard: this implies 5 mm double glazed, operable, sealed units.

   This clause will be modified to delete the type of windows since other construction materials will be used to achieve the same goal.

4. The rear yards of units along the eastern boundary shall be shielded by a 3 m barrier between units, where the driveways enter, using a combination of berm and fence. the rear yards of the units backing or flanking onto the Public Works Yard should be shielded by a 4.5 m noise barrier.

   The wording of this clause will be modified and included in the recommendation.

5. All of the units shall carry a Warning Clause on all Agreements of Purchase and Sale, indicating the presence of the Rail Yard and the excess above the MOE Guidelines. All residential units within 50 m of the Public Works Yard shall carry a similar Warning on all Agreements of Purchase and Sale covering that facility. United Lands undertakes to

the Board in writing to insert in every offer of purchase and sale a clause as shown below and to register at its expense each such offer of purchase and sale on title.

> Occupants are advised that noise levels from the Public Works Yard and CP Rail's Aberdeen Yard may, at times, be of concern, occasionally interfering with some activities of the dwelling occupants as the noise level exceeds the Municipality's and the Ministry of the Environment's noise criteria.

All dwelling units in this proposed development shall be provided with the following warning clause:

> Occupants are advised that noise levels from the CP Rail's Aberdeen Yard may, at times, be of concern, occasionally interfering with some activities of the dwelling occupants as the noise level exceeds the Municipality's and the Ministry of the Environment's noise criteria.

Clause to be modified to reflect more current wording from the Rail Company and to reflect the name change of the Railway and the Developer.

6. Air conditioning shall be installed for the top floor of the east (Beddoe) leg of the apartment building.

This clause will be reworded to identify those units where air conditioning will be required.

7. The easterly four units (at location R1) of the southeast row of the townhouses shall be single aspect with any windows above the first floor pointing only toward the south or southeast.

This clause will be included in the recommendation.

8. The westerly row of townhouses in the southwest corner of the site shall be single aspect above the first floor with windows above the first floor facing only northeast.

This clause will be included in the recommendation.

9. In addition to the barrier noted in the latest noise report as 3 m height between R1 and the rail yard, there shall also be a 3 m high barrier running southeast from the rear of the townhouse in the southeast corner of the site (this barrier is shown but not labelled in Figure 4 of that report).

This clause will be deleted and reworded to include a 4.5 m acoustical on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building.

10. Air-conditioning shall be installed in all townhouses south of the easterly access road off Beddoe Avenue to the site.

This clause will be deleted and incorporated into a new clause which will have all units air conditioned.

11. The standard warning clause of CP Rail shall be added to all purchase, sale and lease agreements on the site as well as on title.

Clause to be modified to reflect more current wording from the Rail Company and to reflect the name change of the Railway and the Developer.

12. There shall be no windows above the first floor in the end units of either the southwesterly row of townhouses or the western leg of the apartment building.

This clause will be included in the recommendation.

13. Balconies or other amenity areas above the first floor on the southern end of the westerly leg of the apartment building, as well as the windows above the first floor of the northwesterly unit of the southwestern row of townhouses, shall not have line-of-sight to any portion of the City Works Yard.

The wording of the clause will be modified and included in the recommendation.

14. Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard.

	dBA			
	Rail(*)	Road(*)	Works	Yard(**)
Bedrooms (2300-0700)		35	40	40
Living/Dining/Recreation Rooms (0700-2300)		40	45	45

*LEQ for indicated time period **LEQ for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing.

This clause will be included in the recommendation in its entirety.

15. Prior to the issuance of a building permit, the applicant must enter into a site plan agreement with the City of Hamilton.

This clause is redundant since the Site Plan Control By-law would be amended to include these lands. It is the City's practice to have all Site Plan Agreements registered on the title of the land.

16. The approved site plan must be registered on title and include the following provisions:

(a) Unless provided for by the Development Charges Act, that the developer shall pay his share of the cost of the sidewalk to be constructed along one side of Studholme Road from the east side of Beddoe Drive to Aberdeen Avenue.

(b) Unless provided for by the Development Charges Act, a 2.4 m high screen fence be installed at the expense of the developer separating CP Rail's property from Studholme Road for that area opposite the subject property. The fence shall be constructed from the eastern terminus of the existing fence along the CP property on the north side of Studholme Road to a point directly north of the western boundary of the subject property. The fence will then be constructed with a gate across the Studholme Road allowance to connect with the existing fence at the northwest corner of the subject property.

(c) Consistent with the recommendations of the acousticians, the above barrier shall be constructed in such a manner that it restricts or prohibits a view of the railway yard and the activities therein at the street level.

As mentioned above, the site plan agreements are automatically registered on the title of the land. With respect to the subclauses, clause a) will be included in the approval. Clause b) will be reworded since the Public Works Department has advised they do not want a fence extending across Studholme Road since it will cut off access to the Chedoke Driving Range. In addition, their property is already fenced. In addition, the height of the fence can not exceed 2.0 m., in accordance with the Zoning By-law. Clause c) can be reworded to ensure the fence is a visual barrier. The City defines a visual barrier as a closed board fence. These type of fences are used in situation were screening is required. The fence will be located on the City's land since it is expected the City would maintain it.

17. The site plan agreement to be entered into with the City of Hamilton shall contain the following provision:

(a) dwellings shall be set back to a minimum distance of 30 m from the property line of the CP Rail Yard;

(b) there shall be no increase or change in the direction of natural drainage affecting CP Rail property without first obtaining the written consent of CP Rail:

(c) any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the railway's standard agreement;

(d) a maximum of 27 townhouses shall be permitted within the woodlot as shown on Appendix B of Ext. 42.

Clause a) will be reworded to be more specific by indicating that a garage or unoccupied building can be closer that 30 m to the railway. The railway, in their comments, have indicated what the appropriate setback requirement is. Clauses b) and c) will be included as conditions. Clause d) has been incorporated into the Official Plan Amendment.

18. Non-fulfilment or breach of any one of these conditions shall render the Development Permit null and void.

This clause is the responsibility of the Niagara Escarpment Commission.

19. No building permit or other licence, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless a Development Permit is in effect.

This clause is the responsibility of the Niagara Escarpment Commission.

20. The Development Permit shall expire five (5) years from its date of issuance unless the development has commenced and valid building permits issued within the five (5) years for all phases of this development are in effect.

This clause is the responsibility of the Niagara Escarpment Commission.

21. Development shall take place only in accordance with the site plan and development permit application approved (except where special conditions are to apply as noted below).

This clause will be included in the recommendation in its entirety.

22. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed. The Board recommends that for major trees, species native to the area, e.g. cedar, maple, beech, ash, birch and pine, should be used rather than exotic species.

This clause is redundant since the Site Plan Agreement requires plantings, etc to be implemented within one year of the construction being completed.

23. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton, the Ministry of the Environment, and the Niagara Escarpment Commission final building elevations for all buildings and structures that shall include: (a) height measurements consistent with the approved proposal; (b) identification of exterior building materials.

This clause is redundant since the site plan control process deals with the above points.

24. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton, the Ministry of the Environment, and the Niagara Escarpment Commission final Site Plans that shall include at the minimum the following details: the approved location of the proposed structure(s) on the property showing distance setbacks to all property lines, the location of any natural features, i.e., streams, slopes, woodlots and the distance of the development to those features and the location of proposed limit of work fences or erosion control measures.

This clause is redundant since the site plan control process deals with the above points.

25. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval for the City of Hamilton and the Niagara Escarpment Commission a Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted.)

This clause will be modified to improve on the wording but it will maintain the intent of the clause.

26. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton and the Niagara Escarpment Commission Grading Plans that shall include: both exiting and proposed grades, areas where there is to be no disturbance of grade, the location of limit of work fencing and the location and type of erosion control measures.

As part of site plan approval, grading plans are required to be submitted. However, a condition will be put in to specifically identify the areas of no disturbance and the appropriate erosion control measures.

27. Prior to the issuance of Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton and the Niagara Escarpment Commission and Landscape Plan that shall include the following details: the location, size, number and type of trees to be planted, a planting schedule and a maintenance statement that will require the care and replacement of stock, and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction. The Plan shall provide for screening of all major buildings and structures from exposed public viewing areas.

This clause will be included in the recommendation with the exception of the last sentence. The proposed townhouse development is considerably different than the apartment building and the planting materials will be accommodated in a smaller space.

28. Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment with respect to noise mitigation features for all buildings and structures.

This clause will be included in the recommendation.

29. This Decision shall become null and void if a Development Permit is not issued within five (5) years from date of approval.

This clause is the responsibility of the Niagara Escarpment Commission.

30. The applicant shall consider establishing a bus stop on the property at the time of the preparation of the Site Plan in discussions with the Hamilton Street Railway.

This clause will be included in the recommendation.

opy sent for information to V. Abraham, Director of Planning and Development; L. King, Building Commissione
1997 September 30

5.

Date: September 26, 1997

To: Susan Reeder, Secretary, Planning and Development Committee

From: Barry Bender, 20 Paisley Ave. South, Hamilton, L8S 1T7

Re: Appearance before the Planning and Development Committee

Further to a memo from Mary Kiss to Stella Glover, dated September 24, 1997, I am writing to clarify my request to appear before the committee. I understand that the next meeting of the Committee is October 8, however, I am requesting to appear before the Committee at their October 22 meeting.

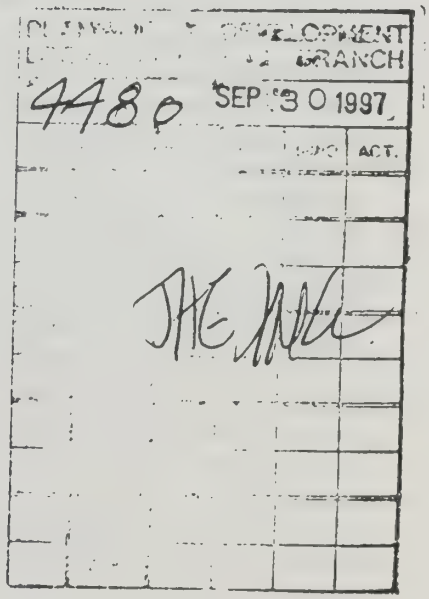
I trust that this is acceptable and I will await confirmation of my place on the agenda.

Thank you,

Barry Bender

Barry Bender
777-7891

cc. Mary Kiss



Date: September 24, 1997

From: Barry Bender
20 Paisley Avenue South
Hamilton, Ontario, L8S 1T7

To: Mary Kiss, Alderman, Ward One
Marvin Caplan, Alderman, Ward One
City of Hamilton
71 Main Street West
Hamilton, Ontario, L8P 4Y5

Re: ***Request to Appear before the City's Planning and Development Committee***

I am writing on behalf of a group of concerned citizens from the McMaster University area neighbourhoods of West Hamilton. We would like to appear as a delegation at the next meeting of the Planning and Development Committee.

We will be proposing that the City cooperate with us in addressing the ongoing and increasingly serious community problems resulting from the uncontrolled proliferation of substandard housing in our neighbourhoods. These problems arise primarily as a result of the exploitation of our neighbourhoods (and their proximity to the university) by absentee landlords. While the main tenants for these absentee landlords are McMaster University students, the students themselves are not the source of the problem, but rather the symptom.

Our proposal is to have the City allocate staff and resources to examine the issues and devise creative ("out of the box") solutions to this problem. The structure might be a City Committee, comprised of a small core group of staff from the Legal, Planning and Building Departments. They will have access to additional resources as required, and will be asked to research the problem, brainstorm possible solutions and devise creative, workable proposals. Our only requirement is that the individuals named to this group be among your most open-minded and creative, and most in tune with the neighbourhood values that have kept the West Hamilton area beautiful and alive. We hope that this work will receive the appropriate priority within the City bureaucracy and will produce constructive suggestions in a timely manner.

We feel like a neighbourhood under siege - yet we are proposing to work proactively and cooperatively with our City administrators and politicians to find creative, practical solutions.

Thank you both for your assistance in this matter and we look forward to presenting our proposal to the Planning and Development Committee at their next meeting.

Sincerely,

Barry Bender

Barry Bender
Westdale Resident

A. (a.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 14
(DT-SECPL)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Preparation of a Downtown Secondary Plan

RECOMMENDATIONS:

(a) That as part of the 1998 Capital Budget Review Process, a submission be made in the amount of $95,000 for the preparation of a Downtown Secondary Plan; and

(a) That the Director of Planning and Development initiate and co-ordinate the formation of a staff resource team comprised of representatives from appropriate City Departments to oversee the preparation of the Capital Budget Submission, Terms of Reference and the preparation of the Downtown Secondary Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A submission to the 1998 Capital Budget Review Process will be undertaken. The $95,000 amount will cover staffing expenses, private consultants if required, and expenses associated with printing and public consultation.

BACKGROUND:

Downtown Hamilton is the commercial, cultural, entertainment, social and historic centre of Hamilton. The uniqueness of Downtown in the context of the broader metropolitan community is based from the diverse range of land uses, the varied economic activities and cultural events that occur, the range of building forms and architectural themes that are intermixed with one another. It is also very evident that the presence of *people* in the downtown is key to its present and long-term health - more people living, more people visiting/walking, more people shopping, more people working and more people doing business.

For several years, Downtown Hamilton has been the focus of a number of studies, research initiatives and revitalization projects, for example, the Hamilton Society of Architects Downtown Ideas Charette, the Downtown Hamilton Partnership and the document "Strong Medicine... A Cure for the Heart of Hamilton-Wentworth". In addition, Mr. Gianni Longo from American Communities Partnership was recently in Hamilton to discuss downtown issues and identified a "vision" for which a detailed plan of action is needed.

All of these activities have contributed significantly to a greater understanding of the complexities of revitalizing Downtown Hamilton and offer considerable insight into potential actions and directions. What has been missing, however, is an overall plan that co-ordinates the many studies and initiatives that have taken place and a comprehensive framework for future initiatives in the Downtown.

The creation of a Downtown Secondary Plan can provide an overall framework for bringing all directions, activities and initiatives together in a co-ordinated manner and spell out a detailed implementation strategy. A Secondary Plan is a particularly relevant instrument for this role as it is a legal document under the Planning Act and therefore has an official legal status.

On October 14, 1997, City Council endorsed *CityView*, the guiding direction for Hamilton's new Official Plan. *CityView* recognizes Downtown Hamilton as a distinct place in our community and within all city planning documents. As noted in *CityView*, "The Downtown is a community where people wish to live, work and visit."

In addition to the specific Downtown objectives identified in CityView, the Downtown Secondary Plan will address a number of broad objectives toward enhancing the aesthetic character and economic vitality of Downtown Hamilton and to promote the Downtown as a community where people wish to live, work and visit.

1. Establishing the framework to ensure new development/redevelopment respects the prevailing urban form/development context. By promoting and ensuring an attractive and pedestrian-friendly built form in downtown, this will act as a draw for people to come into the downtown;

2. Promoting overall revitalization by being "open for business" in terms of land use flexibility. What goes on inside a building (either new or existing) is not a concern provided it is not an activity that has the potential for adversely affecting neighbouring properties, eg, plastics recycling; and,

3. In the context of the broader metropolitan community, providing focus and direction for the downtown as the location for key economic activities and functions, eg., cultural, entertainment, office, retial commercial, etc.

The geographic area encompassed by the Downtown Secondary Plan will be bounded by Cannon Street, Wellington Street, Hunter Street and Queen Street.

An increasing concern that is to be addressed within the Downtown Secondary Plan is ensuring new development or infill development respects or recognizes the context of the urban form characteristics of downtown and promotes this context. This includes building scale, mass, height, design, street patterns, setbacks and facilitating a pedestrian-oriented streetscape. Development Design Guidelines will be used as a tool to achieve consistency of new development with the prevailing urban form in downtown Hamilton.

It is also recognized that Downtown Hamilton also contains a number of unique "character areas" based upon function, built form and history. New development/infill must be sympathetic and consistent to the urban form within these areas. Clearly, the most prominent character area is the Gore. It will be necessary tap into key elements of Gore Heritage Study for the policy framework in this regard. Other character areas in the Downtown include, for example, the International Village area, James Street North and Hess Village.

The Downtown Secondary Plan also represents an opportunity to address economic issues within Downtown Hamilton, an area that has not been fully explored in previous initiatives. Certainly there is no question that improvement to the overall aesthetics will contribute to the vitality of Downtown Hamilton, but it is the dollars and cents of private sector investment and confidence in Downtown Hamilton as a place to do business that will have the greatest lasting positive impact on the community. As such, it will be critical to respond with a comprehensive economic strategy that addresses the perceived and real weaknesses of Downtown Hamilton as a place to do business, focussing on the retail, office, entertainment and professional services sectors.

LOGISTICS:

The Downtown Secondary Plan will be developed by a team of City staff from several Departments including Planning and Development, Building, Public Works and Traffic and Culture and Recreation that are presently part of the "Downtown Initiatives Committee". However, direct public consultation and liaison will be an integral facet of developing the Downtown Secondary Plan. As a result, it is appropriate that the Central Area Plan Implementation Committee (CAPIC) oversee the preparation of the Downtown Secondary Plan in tandem with the Downtown Initiatives Committee.

Importantly, CAPIC contains representation from organizations and citizens that have previously participated actively in downtown matters. These organizations include, for example, the Downtown Business Improvement Area, the International Village Business Improvement Area, local realtors and the various Neighbourhood Associations. Other organizations that are presently not members of CAPIC will be invited to participate and include, for example, the Hamilton and District Chamber of Commerce and the Hamilton Home Builders' Association.

The Downtown Secondary Plan will not only provide a framework for future initiatives in Downtown Hamilton but will also provide a link to other initiatives in other districts of Hamilton. As an example, the new Downtown Secondary Plan can provide a cross-reference to other Secondary Plans, such as a Hamilton Waterfront Secondary Plan or other Neighbourhood Plans adjacent to the Downtown area, to ensure overall City-wide consistency in planning matters.

It is estimated the cost to complete the Downtown Secondary Plan will be in the range of $95,000. This will cover all City staffing expenses (including contract positions), charges associated with printing and reproducing documents for public consultation and the use of private consultants where necessary to complete specialized work tasks within the overall scope of the project. The Downtown Secondary Plan will be completed within a maximum 12 month time frame.

The Terms of Reference to be submitted along with the 1998 Capital Budget Submission will outline in detail the components and scope of the Downtown Secondary Plan. It will be imperative to create a document that clearly articulates the City's long-term desires and objectives for the Downtown and at the same time be a document that is "reader friendly" and informative to the private sector and Hamilton citizens.

CONCLUSION:

Downtown Hamilton has been the focus of a number of studies, research initiatives and revitalization projects over the past several years. It is now appropriate to bring all these directions, activities and initiatives together in a comprehensive framework to guide future activities. The use of Secondary Plan under the Planning Act is an ideal mechanism as it confers an official legal status on a plan. Accordingly, a submission to the 1998 Capital Budget Review Process should be prepared in the amount of $95,000 for the completion of a Downtown Secondary Plan, along with a comprehensive Terms of Reference.

KE/ke

A. (b.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 15
ZAR-97-32 (ZA-89-22)
(ZA-89-23)(ZAC-97-08)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for removal of the 'H' (Holding) Symbol - lands located at 1468 - 1530 Upper James Street.

RECOMMENDATION:

A. That approval be given to Zoning Application 97-32, Rosart Properties, owner, requesting a removal of the 'H' (Holding) symbol provision under Section 36(1) of the Planning Act, R.S.O., 1990, to allow for the development of the subject lands as a commercial development located at 1468 - 1530 Upper James Street, shown on the attached map marked as APPENDIX "A"; and,

B. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law Nos. 97-139 and 91-143, for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the by-law is to remove the 'H' (Holding) symbol, for lands located at 1468 -1530 Upper James Street, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the subject lands to prohibit the development until:

By-law No. 97-139

- a storm water management study was approved for Blocks "1" & "2" (see Appendix "B") by the Commissioner of the Regional Environment Department; and,

- the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1", "2" "3", and "4" (see Appendix "B");

By-law No. 91-143

- approval of a site plan for comprehensive development of Block "2", "3", "4" and "5" and that the site plan being registered on title of the lands (see Appendix "C").

City Council may remove the 'H' symbol, and thereby give effect to the "G-1" District modified provisions as stipulated in these By-laws by enactment of an amending By-law(s) once the conditions are fulfilled.

The effect of the by-law is to permit the use of the subject lands for commercial development.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

COMMENTS:

The Regional Environment Department has verbally advised that the storm water management study has been completed and is satisfactory (Blocks "1" and "2" - Appendix "B").

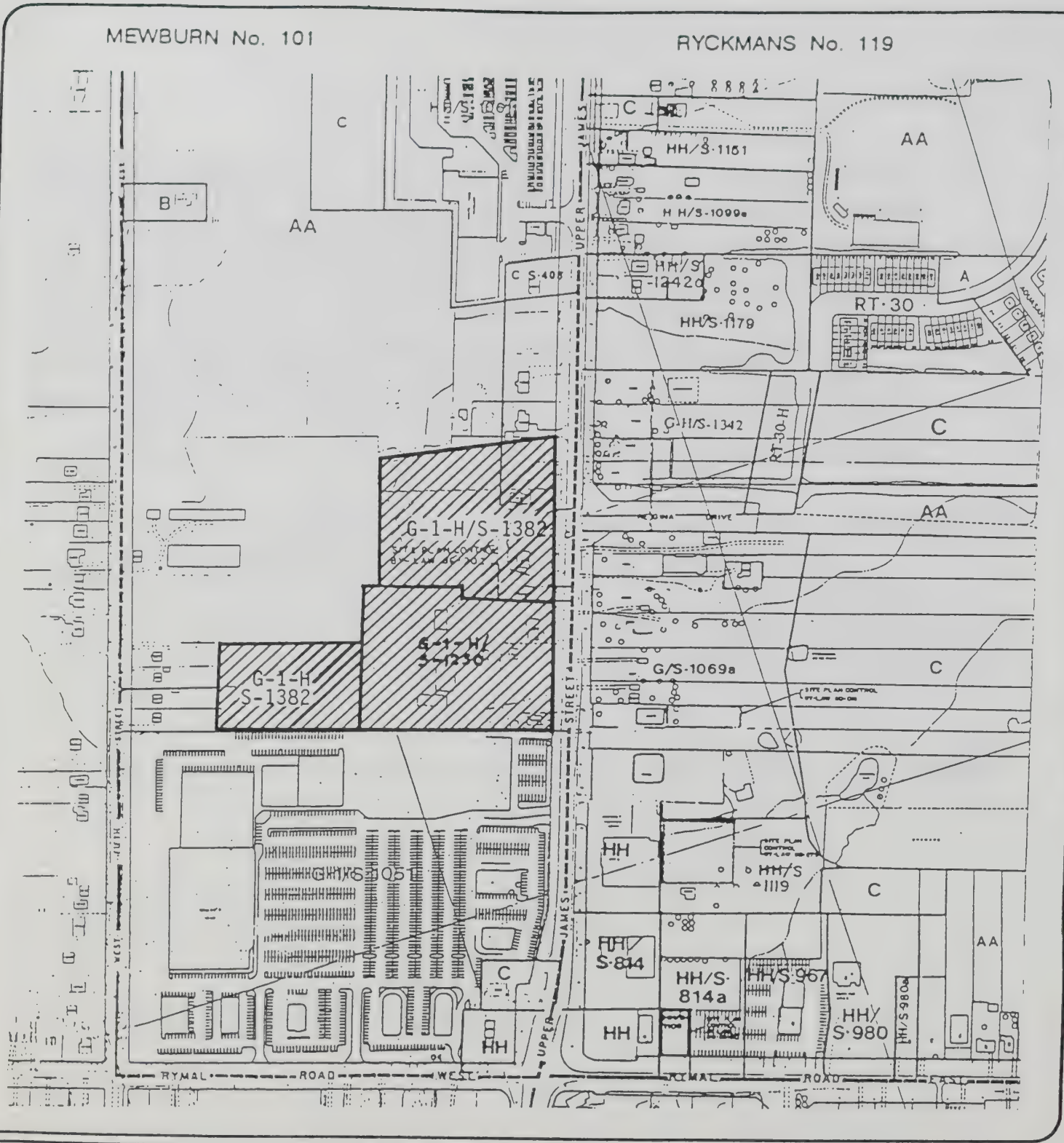
The applicant/owner has applied for and received Site Plan Control approval for the comprehensive development of the subject lands as shown on Appendix 'A'. However, the Site Plan Agreement has yet to be registered on title.

It should be noted that prior to 1995, it was not the City's practice to require applicant/owner(s) to register site plan control approvals on title. Thus, it was specifically recommended as a condition of the zoning amendment (ZA-89-22 and ZAC-89-23) and subsequent By-law 91-143 that only Blocks "2", "3", "4" and "5" (see Appendix "C") receive site plan approval and that the plans and drawing be registered on title. Presently, it is the City's practice to hold the issuance of a building permit in abeyance until the applicant/owner(s) has registered the site plan control agreement on title. Therefore, the requirement not to remove the 'H' (Holding) until registration of the Site Plan Control Agreement has been made redundant.

CONCLUSION:

Based on the foregoing, removal of the 'H'- Holding provision can be supported and will allow the applicant's approvals to proceed in an expeditious manner.

JL:jl
ZAR9732



City of Hamilton

Plan Showing Lands Subject to

ZAR-97-32 REMOVAL OF H-HOLDING

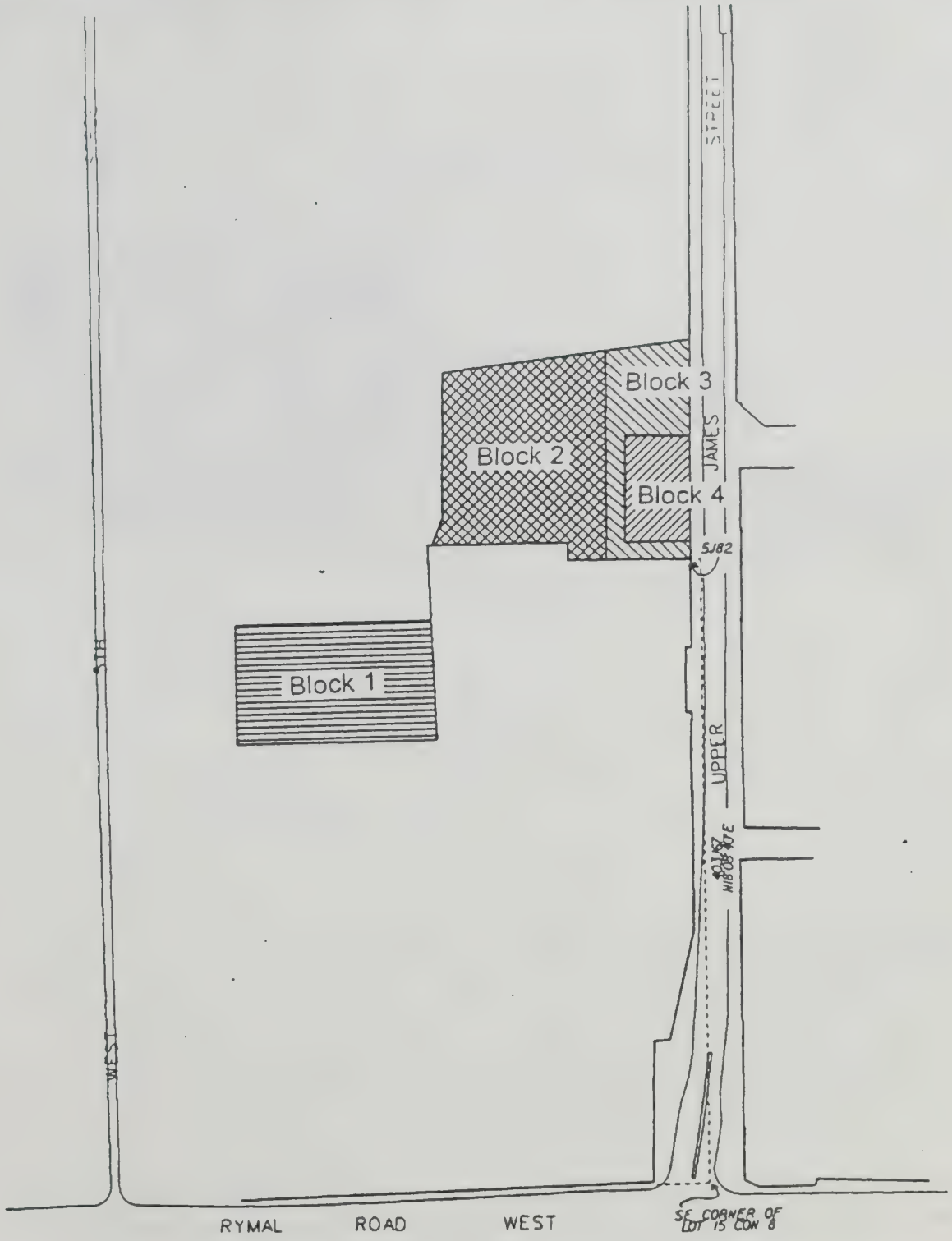
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	ZAR-97-32
	Date	Drawn By
	OCTOBER 1997	JL

APPENDIX "A"



City of Hamilton

Key Map

to By-Law No. 97-139

Planning and Development Department

Legend

Change in zoning from:

Block 1 — "RT-20" (Townhouse-Maisonette) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

Block 2 — "AA" (Agricultural) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

Block 3 — "C" (Urban Protected Residential, etc.) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

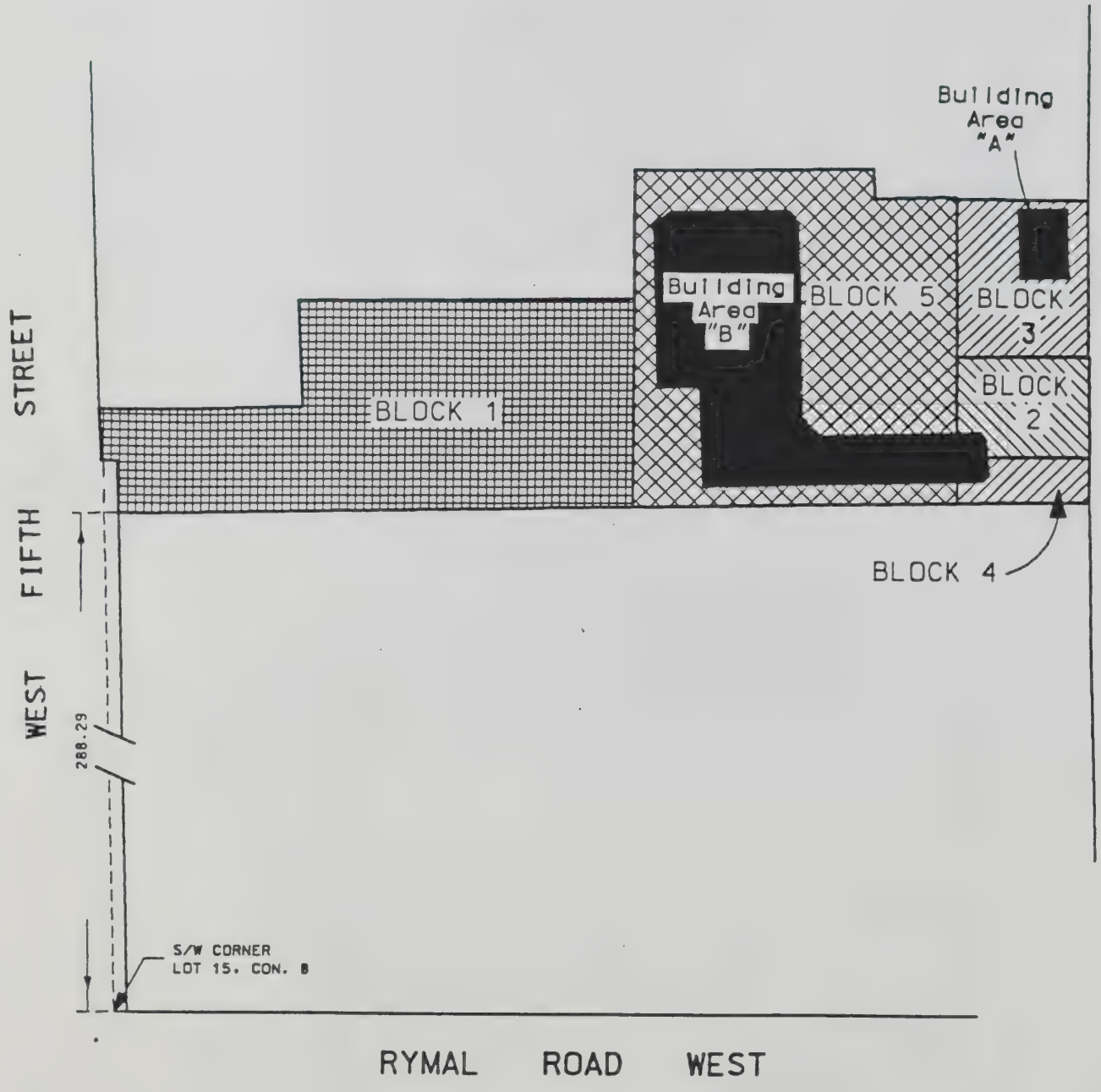
Block 4 — "C" (Urban Protected Residential, etc.) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

North

Scale: Not to Scale | Reference File No ZAC-97-08

Date: June 1997 | Drawn by: D.L.

APPENDIX "B"



NOTE: All dimensions are in metres

Legend

Changes in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, modified.

BLOCK 2 — "AA" (Agricultural) District, modified to "G-1"-"H" (Designed Shopping Centre-Holding) District, modified.

BLOCK 3 & 4 — "C" (Urban Protected Residential, etc.) District to "G-1"-"H" (Designed Shopping Centre-Holding) District, modified.

BLOCK 5 — "AA" (Agricultural) District to "G-1"-"H" (Designed Shopping Centre-Holding) District, modified.

City of Hamilton

Key Map

to By-Law No. 91-143

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZA89-22 ZA89-23
	Date	Drawn By
	JUNE 1991	T.A.

APPENDIX "C"

A. (c.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 16
(PLC-97-03)
Allison Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Allison Estates - Phase 4" Subdivision
Registered Plan No. 62M-823

RECOMMENDATION:

a) That approval be given to the request of J. Parente, Solicitor, for 200 Rymal Road Inc., owner, to amend By-law No. 208, a by-law to remove part-lot control from Registered Plan 62M-823 "Allison Estates - Phase 4", as shown on APPENDIX "A";

b) That the City Solicitor be directed to prepare a By-law to amend Section 1. of By-law No. 97-208, to remove part lot control from Block 18, Registered Plan 62M-823 "Allison Estates - Phase 4" plan of subdivision, for presentation to City Council; and,

d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

V.J. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Allison Estates - Phase 4". The maintenance easement for Lot 16 will be on Block 18.

By-law No. 97-208

Council, at its meeting of October 14, 1997, passed By-law No. 97-208 to exempt the subject lands from part lot control. Block 18 was excluded from the exempting by-law. However, the applicant has subsequently requested that Block 18 be exempted from part lot control to allow for the creation of a maintenance easement to permit the construction of a zero-lot line single family dwelling on Lot 16.

Location

The lands are located south of Rymal Road West, west of Upper Wellington Street in the Allison Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

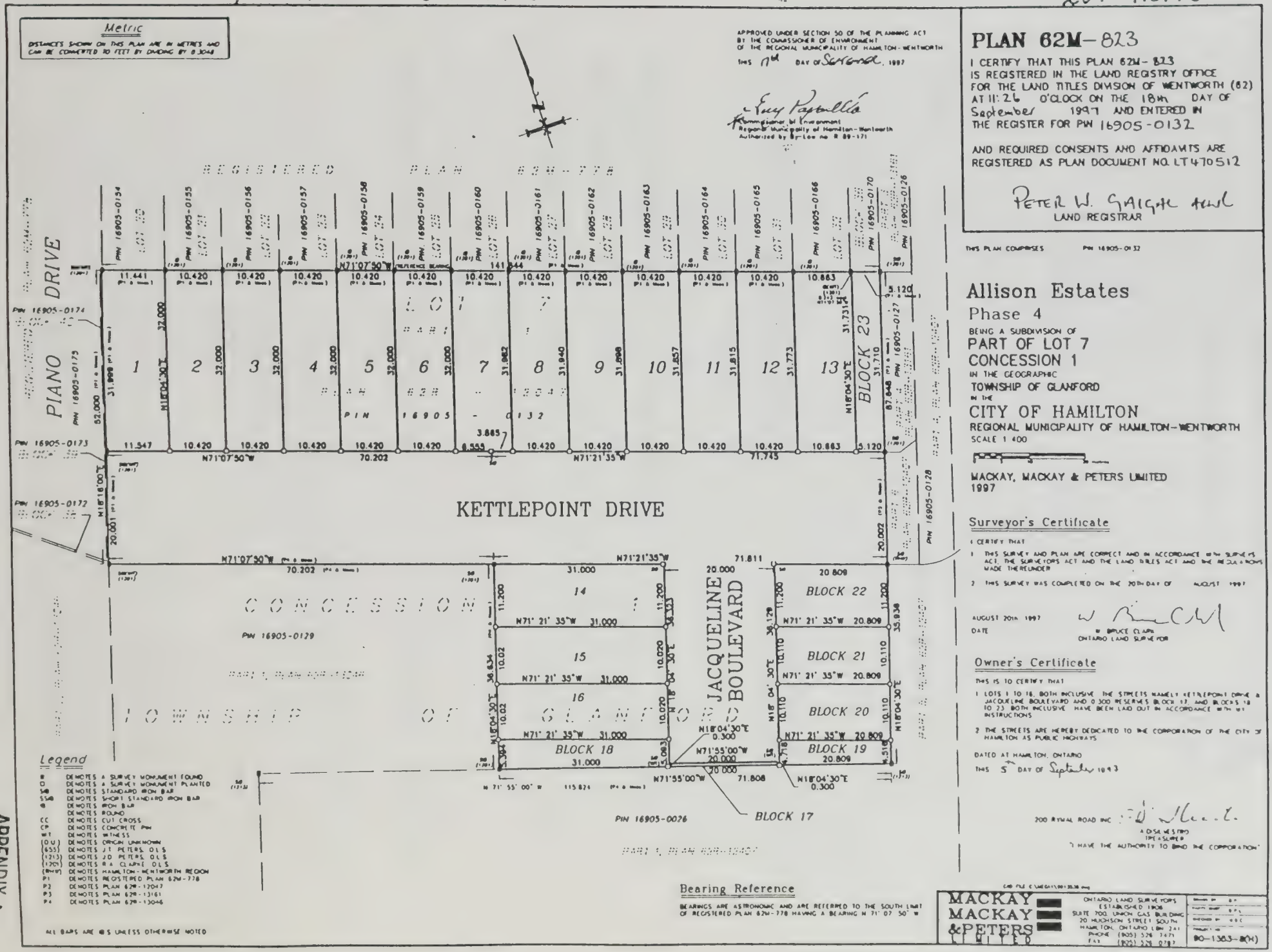
Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC97-03.2nd

M-823

25T-91014C

KETTLEPOINT DRIVE, JACQUELINE & BLVD



PLAN 62M-823

I CERTIFY THAT THIS PLAN 62M-823 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 11:26 O'CLOCK ON THE 18th DAY OF September 1997 AND ENTERED IN THE REGISTER FOR PIN 16905-0132

AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT NO. LT470512

PETER W. GAIGHER
LAND REGISTRAR

THIS PLAN COMPRISES PIN 16905-0132

Allison Estates

Phase 4

BEING A SUBDIVISION OF
PART OF LOT 7
CONCESSION 1
IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:400

MACKAY, MACKAY & PETERS LIMITED
1997

Surveyor's Certificate

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 20th DAY OF AUGUST 1997

AUGUST 20th 1997
DATE

W. BRUCE CLAPP
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT

1. LOTS 1 TO 16, BOTH INCLUSIVE, THE STREETS NAMELY KETTLEPOINT DRIVE & JACQUELINE BOULEVARD AND 0.300 RESERVES BLOCK 17 AND BLOCKS 18 TO 23 BOTH INCLUSIVE HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS

DATED AT HAMILTON, ONTARIO
THIS 5th DAY OF September 1997

200 RYMAL ROAD INC.
A DULY AUTHORIZED OFFICER
I HAVE THE AUTHORITY TO BIND THE CORPORATION

MACKAY MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
ESTABLISHED 1908
SUITE 700, UNION GAS BUILDING
20 MACNAB STREET SOUTH
HAMILTON, ONTARIO L8N 3A1
PHONE (905) 526 7471
FAX (905) 526 0797

90-1363-B(M)

APPENDIX A

CITY OF HAMILTON

- RECOMMENDATION -

B. (a.)

DATE: 1997 October 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Willy Wong, P. Eng. CBCO
Manager of Customer Services

SUBJECT: Demolition of:
30 NORFOLK STREET NORTH - Tag Number 11364
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 30 Norfolk Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1335, 1335a

PRESENT USE: Single Family Dwelling

PROPOSED USE: Garden

BRIEF DESCRIPTION: Please be advised of the following history of 30 Norfolk Street North.

The previous owner, Mark Cole, was previously denied a building permit for 30 Norfolk Street North in 1994, for conversion to a two family dwelling under Bill 120. The plans submitted proposed a lodging house rather than a two family dwelling. The plans and application were returned to the owner and the permit fee was refunded.

It should be noted that 28 Norfolk Street North and 30 Norfolk Street North are owned by Helen Love-Jones and the two (2) municipal properties include three (3) separate lots in a registered plan. We consider 28 Norfolk Street North to be composed of Lots 116 and 117 and is 60' x 100'. We consider 30 Norfolk Street North to be composed of Lot 118 and is 30' x 100'.

Under Site Specific By-Laws 95-02 and 95-033, no buildings or structures shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio of 0.45. The lot area of 30 Norfolk Street North is 3000 ft². As Lot 118 is an entire lot in a plan of subdivision this lot could be sold without a severance and developed in accordance with all applicable Zoning By-Laws.

The agent for the present owner proposes, as per the demolition permit application, to demolish the existing one and a half storey single family dwelling and use the vacant land as a garden. Any uses proposed on vacant Lot 118 would have to comply with Zoning By-Law 6593, as amended. In this regard, a garden would be permitted as it is a use not restricted under Section 3 of Zoning By-Law 6593.

The dwelling is located in the Ainslie Wood North Neighbourhood (please see attached neighbourhood map). The existing dwelling, according to the Building Department's site inspection, is in good condition and is structurally sound (please see attached photographs).

Please be advised that two (2) previous demolition permit applications for 30 Norfolk Street North were denied by Council on December 12, 1995 and April 9, 1996.

No LACAC interest. Lot size 30' x 100'.

The owner of the property is:

Helen Love-Jones
805 Alberton Road South
Jerseyville, Ontario L0R 1B0

FP/zr



SUBJECT PROPERTY
(30 NORFOLK ST NORTH)

3 29 / 4 1 2 This is not a Legal Document For Zoning Verification Please Contact City Building Department	CITY OF HAMILTON **AINSLIE WOOD NORTH** **ZONING**
Neighbourhood Boundary Zoning Boundary	0 50m 100m SCALE NORTH
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING DWG. NO. 6907 PAGE NO. 3

B. (a.) (i)

J. Schatz
City Clerk
Hamilton City Hall
Hamilton ON
L8N 3T4

35 Thorndale St. N.
Hamilton ON
L8S 3K5

Oct. 15, 1997

Dear Mr. Schatz

Re: Planning & Development Committee Meeting Oct. 22, 1997

I am requesting delegate status at the Planning & Development Committee meeting scheduled for October 22, 1997, and I will oppose the application for demolition of the house at 30 Norfolk St. N.

I am opposing this demolition for the following reasons:

1) It is a lovely Westdale style brick home in good condition and is in keeping with the ambiance of the neighbourhood.

2) The demolition would not follow good planning practices as regards to ambiance and streetscape.

3) This same property was the subject of a previous demolition request and demolition control was exercised.

4) At the time of writing of this letter there are some legal uncertainties regarding this and the adjoining property.

5) Other such reasons that apply.

Yours truly,

C. R. Grigg

C. R. Grigg

copies to:
D. Drury, Chairman Planning & Development Committee
S. Glover, Secretary Planning & Development Committee
Mayor R. Morrow
Alderman M. Caplan
Alderman M. Kiss

Feuillets de transmission par télécopieur
Post-it™ Fax Note 7671B

Date: OCT 15/97	# of pages / Nbre de pages: 1
To / À: S. GLOVER	From / De: C. R. GRIGG
Co./Dept. / Cie/Service: SECTY PLAN. & DEV. COMMITTEE	Co. / Cie:
Phone # / N° de tél:	Phone # / N° de tél: 527-5551
Fax # / N° de télécopieur: 546-2095	Fax # / N° de télécopieur:

B. (a.) (ii)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	Susan K. Reeder, Acting Secretary Planning and Development Committee	YOUR FILE:	
FROM:	Mr. J. J. Schatz City Clerk Office of the City Clerk	OUR FILE: PHONE:	 546-2727
SUBJECT:	Referral of correspondence to the Planning and Development Committee	DATE:	1997 October 15

City Council, at its meeting held Tuesday, 1997 October 14th, was in receipt of correspondence from Mrs. Betty Bechtel re: Conflict of Interest.

Please be advised that City Council agreed to refer this correspondence to the Planning and Development Committee.

Attached herewith is a copy of this correspondence.

cc P. Noe Johnson, City Solicitor
L. King, Building Commissioner

9 SANDERS BL
HAMILTON ONT
L8S 3H7
SEPT 14TH 1997

TO Mayor Mr R. Morrow & City Aldermen
Hamilton City Hall

Received Sept. 19/97

per Mr J. Schatz City Clerk

Dear Mayor Morrow & City Aldermen

Until the court cases, initiated by Mr. Mark Cole against City aldermen, are settled, it would appear to be a conflict of interest for the City of Hamilton to be conducting business with Mr Cole.

Similarly, if the individual aldermen named in the lawsuits by Mr Cole, were to abstain from voting on issues presented by Mr Cole, then the constituent majority, would not be accorded full & fair representation by the aldermen. I would object to being under-represented.

Mr Cole was previously denied a demolition permit for 30 Norfolk North — by the democratic process.

I would strongly urge the aldermen to uphold the decisions made & the wishes of the majority

Yours sincerely

(Mrs.) Betty Bechtel

Mr. & Mrs. James Bechtel
9 Sanders Blvd
Hamilton, Ontario
L8S 3H7

B. (b.)

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 October 9

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len C King, PEng
Building Commissioner

SUBJECT: Barton Street Revitalization (97.2.4.2.1.A, 97.2.14)

BACKGROUND:

On 1995 March 28, City Council approved the implementation of the Barton Street Revitalization Program for loans and grants, mural projects, street festivals and street enhancement. The Province of Ontario has now provided all of the $1-million dollars in funding to the City of Hamilton.

The funding was for the following components:

		Funding Allocation	Spent As of 97 Oct 1
(a)	Loans/Grants	$490,000	$333,000
(b)	Mural Projects	60,000	60,000
(c)	Street Festivals	70,000	64,000
(d)	Street Enhancements	380,000	380,000
	TOTAL	**$1,000,000**	**$837,000**

There has been a tremendous improvement to the condition of buildings and the streetscape within the Barton General B.I.A.

.../2

A brief presentation of these improvements will be made at the Planning & Development Committee meeting. Furthermore, if members of the Committee would like a tour of the Barton Street area it will be arranged.

Of the total budget of $1-million, $490,000, is allotted for grants and loans, which money has primarily been spent on hard construction, yielding approximately ten full time permanent jobs in the community.

LCK/MM/jp

D. (a.)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	V.J. Abraham, M.C.I.P. Director, Local Planning Division Planning and Development Department	YOUR FILE:	
FROM:	Susan K. Reeder, Acting Secretary Planning and Development Committee	OUR FILE: PHONE:	 546-2753
SUBJECT:	Request for an Official Plan Amendment and change in zoning - 220 Dundurn Street South	DATE:	1997 October 9

As you are aware, the above noted matter was before the Planning and Development Committee at its meeting held Wednesday, 1997 October 8th. As a result of a number of concerns expressed by the area residents, Alderman Caplan requested that this matter be tabled for 2 weeks in order that he could have an opportunity to meet with the developer and the residents on this matter.

The Committee subsequently agreed that the following recommendation be tabled until the 1997 October 22nd meeting:

A. That approval be given to Official Plan Amendment No. to redesignate the subject lands from "Major Institutional" (front portion of the site) and "Open Space" (rear portion of the site) to "Residential" as shown on the attached marked as APPENDIX "A", for the property municipally known as No. 220 Dundurn Street South, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application 97-26, Alexander Street Lofts Development Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District modified, to permit the conversion and expansion of the existing building for 60 apartment units, for the property located at No. 220 Dundurn Street South, shown on the attached map marked as APPENDIX "B", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

(1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

(2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

(3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon completion of a noise feasibility study, a study demonstrating the development will not be adversely affected by noise, odour, dust and vibration and the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment and Energy. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

(ii) That the subject lands be rezoned from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" (Low Density Multiple Dwellings, etc.) District;

(iii) That the "DE" (low Density Multiple Dwellings) District, as contained in Section 10A of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10A(2), the height of the building shall not exceed 4 storeys and 18 m;

(2) That notwithstanding Section 10A(3), additions over the existing foundation shall maintain the existing front and side yard setbacks;

(3) That notwithstanding Section 18(4)(ii), two accessory structures, for the exclusive use of people residing at No. 220 Dundurn South, shall be permitted provided that:

A. One accessory structure, not exceeding 165 m^2 in area, may be used for the purposes of storage, a garden shed, and woodworking area; and,

B. One accessory structure not exceeding 275 m^2 in area, may be used for the purposes of storage, locker/change room, washroom facilities, and amenity area.

(4) That notwithstanding Section 18(4)(iii), the height of an accessory structure shall not exceed 6.0 m;

(5) That notwithstanding Section 18 (4)(iv), a minimum 9.0 m southerly side yard setback shall be provided and maintained for an accessory structure;

(iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-23 be notated S- ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council;

(vi) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

(vii) That upon finalization of the implementing zoning by-law, the Kirkendall Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" (front portion) and "Open Space" (rear portion) to "Medium Density Apartments".

Attached herewith is a copy of the above noted report.

cc Alderman M. Caplan

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 26
ZAC-97-26

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and change in zoning - 220 Dundurn Street South

RECOMMENDATIONS:

A. That approval be given to Official Plan Amendment No. to redesignate the subject lands from "Major Institutional" (front portion of the site) and "Open Space" (rear portion of the site) to "Residential" as shown on the attached marked as APPENDIX "A", for the property municipally known as No. 220 Dundurn Street South, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application 97-26, Alexander Street Lofts Development Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District modified, to permit the conversion and expansion of the existing building for 60 apartment units, for the property located at No. 220 Dundurn Street South, shown on the attached map marked as APPENDIX "B", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

TABLED
App'd by Committee 1997 Oct 8
for 2 weeks to 1997 Oct 22 meeting for Ward Ald. Caplan to meet with all
App'd by Council

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon completion of a noise feasibility study, a study demonstrating the development will not be adversely affected by noise, odour, dust and vibration and the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment and Energy. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

ii) That the subject lands be rezoned from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" (Low Density Multiple Dwellings, etc.) District;

iii) That the "DE" (low Density Multiple Dwellings) District, as contained in Section 10A of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1) That notwithstanding Section 10A(2), the height of the building shall not exceed 4 storeys and 18 m;

2) That notwithstanding Section 10A(3), additions over the existing foundation shall maintain the existing front and side yard setbacks;

3) That notwithstanding Section 18(4)(ii), two accessory structures, for the exclusive use of people residing at No. 220 Dundurn South, shall be permitted provided that:

A. One accessory structure, not exceeding 165 m^2 in area, may be used for the purposes of storage, a garden shed, and woodworking area; and,

B. One accessory structure not exceeding 275 m^2 in area, may be used for the purposes of storage, locker/change room, washroom facilities, and amenity area.

4) That notwithstanding Section 18(4)(iii), the height of an accessory structure shall not exceed 6.0 m;

5) That notwithstanding Section 18 (4)(iv), a minimum 9.0 m southerly side yard setback shall be provided and maintained for an accessory structure;

iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-23 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council;

vi) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

vii) That upon finalization of the implementing zoning by-law, the Kirkendall Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" (front portion) and "Open Space" (rear portion) to "Medium Density Apartments".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District, modified as shown on the attached map.

The effect of the By-law is to permit the conversion and the expansion of the existing building for 60 apartment units.

In addition, the By-law provides for the following variances as special requirements:

- to permit additions over the existing foundation to maintain the existing southerly and northerly side yard setbacks of 0.0 m instead of the required 3.0 m, and a front yard setback of 1.5 m whereas 6.0 m is required.

- to permit a height of 4 storeys and 18 m, whereas the by-law permits 3 storeys and 11 m in height;

- to permit two accessory structures having a maximum of 165 m^2 (1,766 sq.ft.) and 275m^2 (2,960 sq.ft) respectively, whereas the by-law permits one accessory structure of 67 m^2 (720 sq.ft.);

- to allow the use of the accessory structure for storage, locker and change rooms, etc. and amenity area by residents living at No. 220 Dundurn Street South; and,

- to permit the height of the accessory structure to be 6.0m, whereas the by-law permits a height of 4.0 m;

- to require a 9.0 m setback from the southerly lot line for an accessory structure whereas the by-law requires 3.0 m.

In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon the completion of the above noted conditions. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The proposal is to convert and to expand the existing building for 60 condominium apartment units. The majority of the existing building is 3 storeys in height except for a one storey portion on the south side of the property and a two storey portion at the rear of the building. An additional storey will be built to bring the total height of the whole building to four storeys. This fourth storey will be used for a roof deck and access to the roof deck.

The units on the first and second floor will be one storey units and the third floor units will be two storeys, which includes the roof top deck. The units range in size from to 91 m^2 to 290 m^2 (978 to 3,122 sq.ft.). There are 51 studio and one bedroom units, and 9 two bedroom units. There will be units on the ground floor that may have individual entrances from Dundurn Street South.

Parking will be provided both behind the building and within the building.

The amenity area in the rear of the building includes two accessory structures for the exclusive use of the people who live at 220 Dundurn Street South:

- a garden shed (165 m^2) which will contain a greenhouse, wood working area and storage area; and,

- swimming pool clubhouse (275 m^2) which will contain a party room, kitchenette, change room for the pool, washrooms and storage area.

The total landscaped area is approximately 4,849.7 m^2 (52,280 sq.ft)

LOT SIZE AND AREA:

The subject lands have:

- 76.27 m (334.64 ft.) of frontage on Dundurn Street South;

- 138.9 m (456.0 ft.) of depth; and,

- 12,262.41 m^2 (3.03 acres) of lot area.

APPLICANT:

Alexander Street Lofts Development Corporation Inc., prospective owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Warehouse and vacant	"D" (Urban Protected residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	Industrial, residential Mixed Commercial/residential Uses	"K" (Heavy Industrial, etc) District
to the east	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District
to the west	CP Railway Tracks and Industrial uses	"K" (Heavy Industry, etc.) District
to the south	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District "H"

OFFICIAL PLAN:

The front portion of the site is designated MAJOR INSTITUTIONAL and the rear portion of the site is designated OPEN SPACE on Schedule A - Land Use Concept to the Official Plan.

The following policies should be noted:

"A.2.4.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

However, such uses less than 0.4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

In accordance with Policy A.2.4.1, residential uses are not permitted in an OPEN SPACE designation. An amendment is required to redesignate this portion of the site to RESIDENTIAL. The Official Plan allows residential uses within the MAJOR INSTITUTIONAL designation. However, since the rear lands require an amendment to the Official Plan, it is appropriate to redesignate the entire site to RESIDENTIAL which is its intended use.

NEIGHBOURHOOD PLAN:

The lands are designated "Civic and Institutional" and "Park and Recreational" in the approved Kirkendall Neighbourhood Plan. A redesignation to "Medium Density Apartments" is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department (Development Division) has reviewed the application and has advised that:

  "1. The existing road allowance widths of Dundurn Street and Chatham Street is 20.12m and we do not anticipate any further road allowance widenings at this time.

  2. The building location on the site plan submitted with this application does not conform to the building survey plans submitted with the application and the plan should be revised accordingly. The survey plan also indicates that the westerly portion of the site is subject to an easement and right-of-way and the status of these should be determined since they may impact the proposed development.

  3. We require minimum 3m by 3m (prefer 5m by 5m) visibility triangles between the access and the Chatham Street road allowance in which the maximum height of any objects or mature vegetation is not to exceed 0.60m above the corresponding perpendicular centreline elevation of Chatham Street.

  4. Due to the grade separation on Chatham Street to the west of the subject lands, access to this property must be to the east side of the lot.

  5. Any works which may occur within the Dundurn Street or Chatham Street road allowances must conform to the respective Street's By-Laws.

  6. We recommend that the subject lands be developed under site control at which time detailed comments with respect to access, grading, landscaping, street tree planting, etc. will be submitted."

- The Department of Public Works and Traffic has "reviewed the proposed Official Plan Amendment and ZAC 97-26 and find it satisfactory."

- The Building Department has advised that:

"1. Maximum number of stories permitted is three (3), which includes basements and penthouses.

2. New additions require 6.0m front yard, 3.0m side yard, and 7.5m rear yard. Does not appear that the minimum 3.0m side yard can be met. No dimension to front yard indicated.

3. The proposed and required 73 parking spaces shall have a minimum size of 2.7m x 6.0m complete with a 2.7m x 6.0m manoeuvring space, except for the 3 proposed parallel parking spaces which must be a minimum of 2.5m x 6.7m with a 3.7m minimum manoeuvring space.

4. No dimension shown for any parking or manoeuvring areas.

5. The proposed 58 unit multiple dwelling requires one 18.0m x 3.7m x 4.3m high loading space.

6. The boundary of the parking area adjoining the residential district to the southern lot line shall be 1.5m from the adjoining residential district and landscaped with a planting strip. A visual barrier of not less than 1.2m in height and not greater than 2.0m in height shall be provided.

7. The proposed parking area requires the access drive to be a minimum of 5.5m in width, with markings of the surface of the parking area delineating the separate parking spaces and bumpers or wheel barriers.

8. The required visitors parking shall have a sign, appurtenant thereto, legibly marking the parking spaces to be used by **VISITORS ONLY.**

9. The parking areas are required to be graded, drained and paved with concrete or asphalt.

10. The two principle buildings on one lot are not permitted.

11. The inground pool, located in the rear yard, must be a minimum of 3.0m from the Chatham Street lot line. No dimensions indicated.

12. At least one quarter of the area of the lot shall be landscaped. Please note that the areas used for parking space, manoeuvring space, access or egress driveways, swimming pool, or any space beneath, within (interior garden court) or on the roof (decks) shall not be considered as the required landscaped area."

- The Regional Environment Department (Planning Division) has advised that:

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton–Wentworth Official Plan.

The subject lands contain an existing building which was previously used for an industrial purpose (i.e. knitting mill, warehouse & storage facility), where potential exists of site contamination. Since

residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P. (Policies previously attached).

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the proposal for residential development is located on lands containing an existing building that was previously used as a knitting mill, warehouse and storage facility, which has potential for having site contamination, and is adjacent to an active railway line, a major arterial road and industrial area with potential noise and/or odour impacts, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns

1.1 Developing Strong Communities

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided;

1.1.3 Long term economic prosperity will be supported by:

g) planning so that major facilities (such as transportation corridors and industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

With respect to this particular policy pertaining to Land Use Compatibility, the minimum separation distance between a sensitive land use and a Class I industry is 20 metres, and the minimum separation distance between a sensitive land use and a Class II industry is 70 metres. The proposed residential development appears to be greater than 20 metres, but less than 70 metres from industrial properties to the north and west. The proponent should investigate and determine if said industries are Class I or II as specified in the *MOEE Manual of Guidelines and Procedures, Part D, Land Use, "Guideline D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses"*.

3 PUBLIC HEALTH AND SAFETY

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Also, since the subject lands are adjacent to an active Canadian Pacific Railway line, comments should be obtained from the Canadian Pacific Railway, with respect to any required conditions CP Railway may request for the proposed development.

Therefore, approval of this application (i.e. lifting of the holding zone) be conditional upon the following:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

   Should the noise feasibility study demonstrate the potential for significant noise impacts, submission to the satisfaction of the Region of a detailed acoustical report prepared by a qualified professional, with said report containing the recommended noise control measures.

4) In the event that the proposed noise control measures do not fully achieve the Ministry of Environment and Energy's recommended sound level limits for residential land uses, and a slight noise level excess remains, that the owner agree to register on title the following noise warning clause for all proposed residential units:

   "Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants".

- CP Rail (No comments to date)

- Heritage Planning has advised "the building a former hosiery mill dating back to 1929, is included on the City's Inventory of Buildings of Architectural and/or Historical Interest. Staff supports the adaptive reuse of the building."

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved, an Official Plan Amendment is required to redesignate the subject lands from MAJOR INSTITUTIONAL (front portion of the site) and OPEN SPACE (rear portion of the site) to RESIDENTIAL.

2. The proposal, if approved, would require an amendment to the approved Kirkendall Neighbourhood Plan from "Civic and Institutional" and "Park and Recreational" to "Medium Density Apartments".

3. The proposal has merit and can be supported for the following reasons:

i) it complements and would be compatible with the mixed use nature of the Dundurn Street area which is characterized by commercial and residential uses predominantly;

ii) it provides for the adaptive reuse of an existing former industrial building;

iii) it is located in close proximity to services such as shopping, public transit, highway access, etc;

iv) it will be an improvement to the existing site including the renovation of the building, additional landscaping and a parking area along Chatham Street; and,

v) it provides a new form of housing (ie. loft style apartments) that are not readily available in the Hamilton market.

4. A number of variances are required to support the proposal. They include:

Yards (Section 10A(3))

The by-law requires 3.0 m side yards and a 6.0 m front yard. The existing building does not meet the current yard requirements. The proposed four storey addition (south side of building) on the existing foundation will maintain the existing side yard setbacks which range from 0.0 m to 3.0 m (see Appendix "C") and front yard setback of 1.5 m. The lot line is irregular in shape which has resulted in a portion of the building being located on the southerly lot line. However, the majority of the building provides a 2.8 m setback along this property line.

With respect to the north side yard, the fourth storey will be built on the existing building and therefore a variance is required to the side yard setback.

The variance to the yards can be supported for the following reasons:

- it is an existing building which other than height, is not changing;

- the shadows are cast in a northerly direction, thereby minimizing impacts on the residential uses to the south;

- the south lot line is irregular in shape which has resulted in a small portion of the building having a 0.0 m setback whereas the majority of that building can provide a side yard of between 2.8 and 3.0 m;

- there is no impact on the land uses to the north since they are industrial/commercial. In addition, these uses are separated from the subject site by Chatham Street; and,

- the proposed fourth storey addition on top of the existing building.

Height (Section 10A(2))

The "DE" district has a height restriction of 3 storeys and 11 m. The proposal is to add a fourth storey for the purposes of a roof top deck and garden access to them. The actual physical addition will be restricted to the centre of the buildings since the decks will be located towards the exterior of the building. This variance can be supported, on the basis it provides for an opportunity for different dwelling types (2 storey apartment). Further, the bulk of the fourth storey addition will not impact on neighbouring properties. The shadows cast are in a northerly direction and therefore, it will not impact on the residential uses to the south. In addition, the railings for the roof top deck will be set back from the face of the building.

Accessory Structures (Section 18(4))

The zoning by-law permits one accessory structure of 720 sq.ft with the height of 4 m (13 ft). Generally, amenity areas (party/meeting room, recreational facilities) are contained within the apartment building. The applicant proposes to centralize the amenity area around the outdoor pool proposed in the rear yard. The garden shed (165 m^2) and the swimming pool clubhouse (275 m^2) will be for the sole use of the people living in the apartment building. The height of the structures is proposed to be 6 m (20 ft.).

For the purposes of providing an adequate buffer between an accessory structure and the residential uses to the south, the accessory structures are proposed to be a minimum of 9.0 m from the south lot line whereas the by-law requires a 3.0 m setback.

The variance to the number, the height and the size of the structures can be supported since the amenity area will be centralized around the pool; there is a large rear yard that can accommodate both the structures and a generous landscaped area (40% of the lot area) and there will be a minimal impact on the surrounding land uses (i.e industrial, railway, residential). In addition, the proposed 4.5 m setback from the southerly property line will provide buffering for the residential properties to the south.

5. The proposal will require the use of the 'H' (holding) Symbol. Since the lands were formerly used for industrial purposes, the Region has requested a Record of Site Condition to ensure the appropriate remediation work for the contaminated soils has been undertaken. In addition, the site is in close proximity to rail lands and industrial uses, a noise, vibration, dust and odour studies will have to be conducted to the satisfaction of the Region. Once these two conditions have been met the 'H' symbol will be removed; thereby, giving effect to the "DE" District regulations.

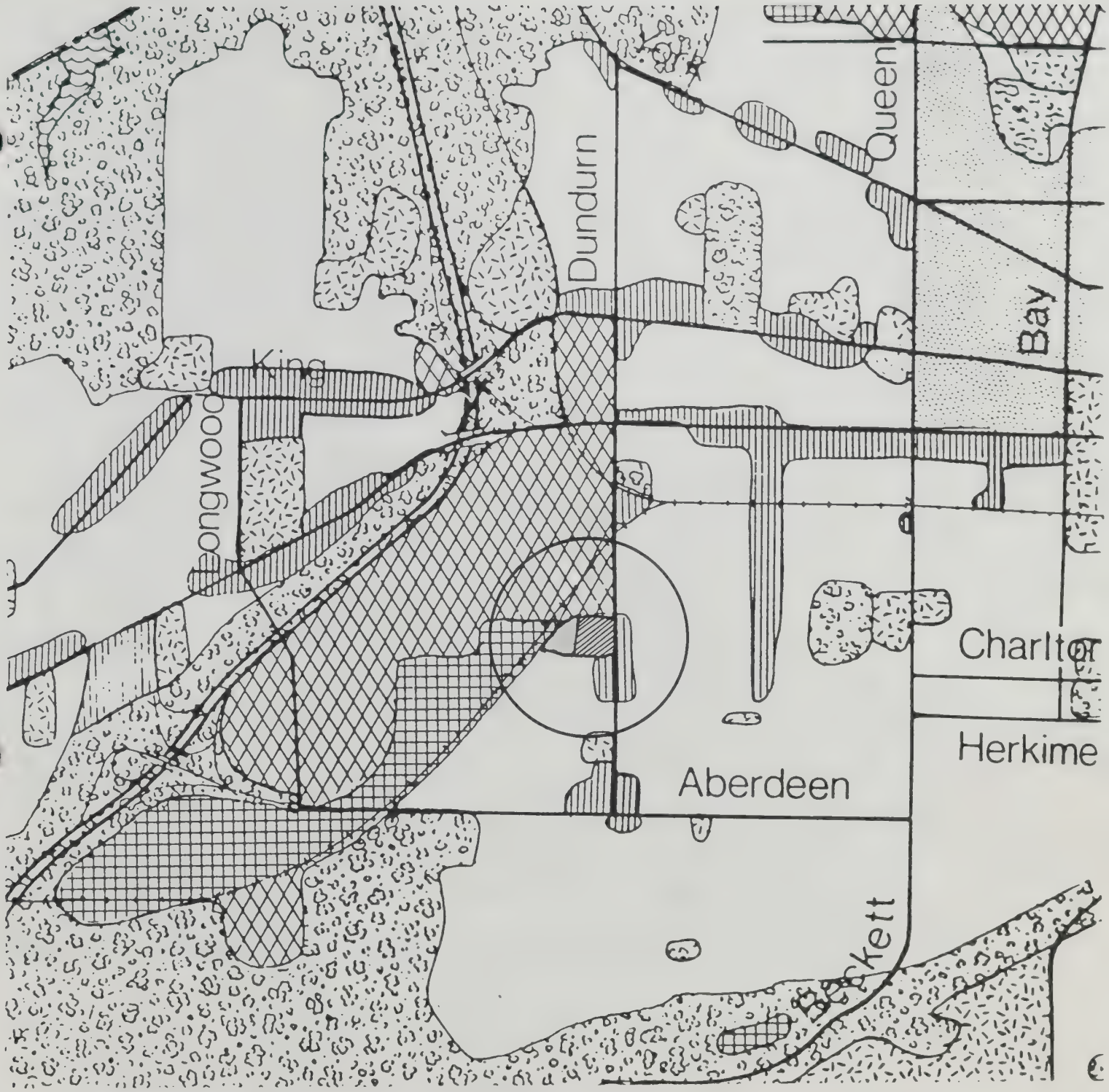
The Region has also requested a noise warning clause be placed on the title of the land. This condition will be applied at the time of Condominium approval and/or as a condition of Site Plan approval.

6. The lands are subject to Site Plan Control. Matters such as parking, landscaping, access will be considered in further detail.

CONCLUSION:

Based on the foregoing, the applications can be supported.

JHE:fd
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Legend

Proposed changes:

"Major Institutional" to "Residential"

"Open Space" to "Residential"

Appendix "A

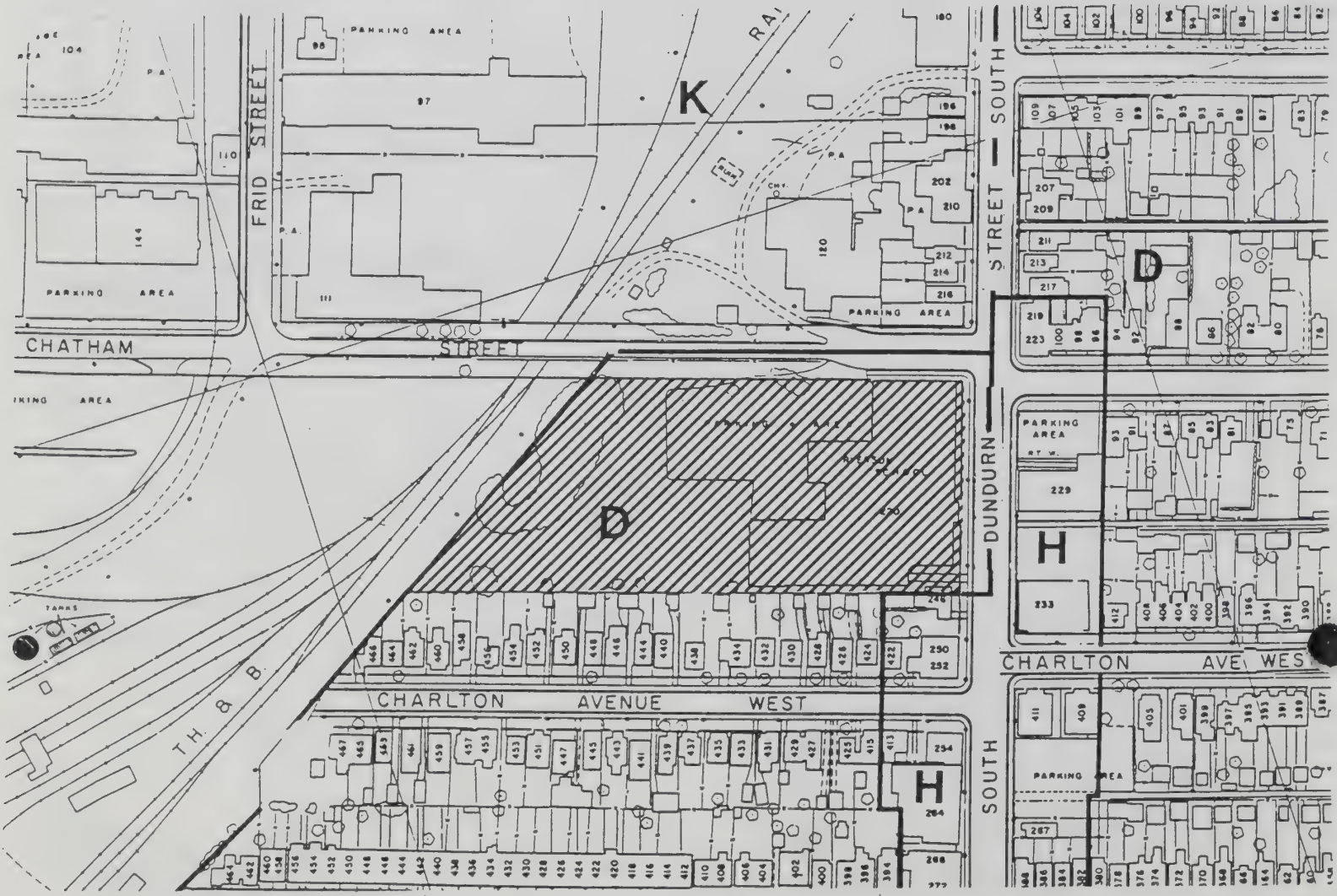
Drawn By	Date
R. L.	Sept. 199

Scale

Not to Scale

North

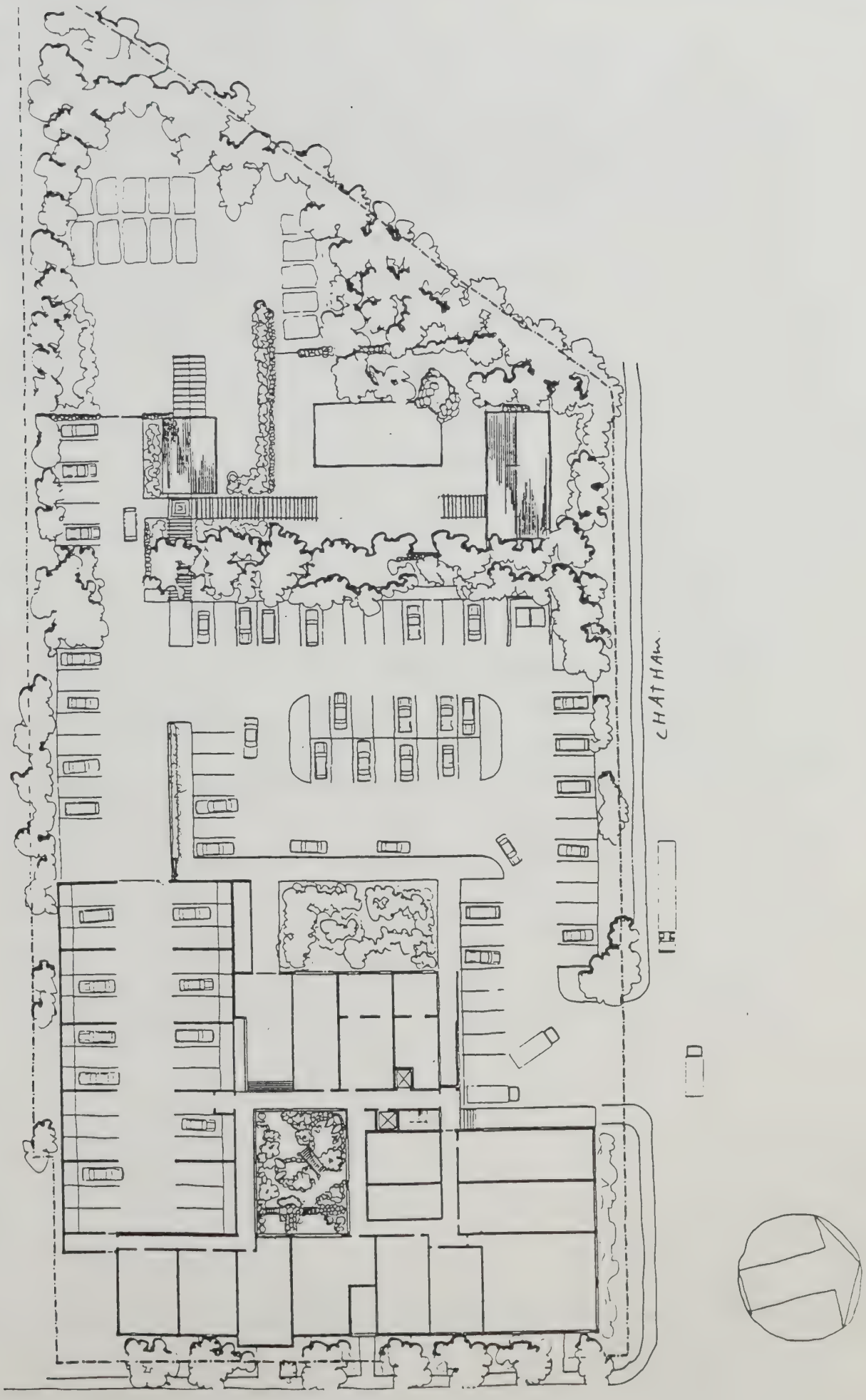
APPENDIX "B"



Legend

Site of the Application

Reference File No	
ZAC-97-26	
Drawn By	Date
	July 1997
Scale	
Not to Scale	
North	


CHATHAM

Provincial Environmental Services Inc.

97 Frid Street, Hamilton, Ontario, L8P 4M3
(905) 577-0575

Overview of Public Concerns and Answers

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INTRODUCTION

This "Overview of Public Concerns" is provided to answer the most commonly asked questions and comments from the past two meetings. It is important to note that your input is vital and we ensure that all comments and concerns will be addressed by Provincial Environmental, and all the government agencies involved.

Please take the time to complete the questionnaire and hand it in to ourselves or the Ministry of Environment and Energy (Mail to address provided on the questionnaire).

We already have two people interested in participating in a Public Liaison committee, and if you are interested, please call Vince Gagich or John Daneliuk at 577-0575.

Provincial Environmental Services' Mission Statement

I SAFETY

- Public Safety and Employee Safety is above all paramount to our daily operation.

II ENVIRONMENTAL POLICY

- Provincial Environmental is dedicated to the protection of the environment, and the improvement of environmental standards within the industry.

III CUSTOMER SERVICE

- We strive to provide 100% customer satisfaction.

IV REDUCE, RECYCLE, REUSE

- Whenever possible we apply our best effort to divert waste from being landfilled, by recycling and reusing as much as possible.

V ENCOURAGE ENTREPRENEURSHIP

- Develop and implement an entrepreneur climate to create jobs and utilize technology.

Could Provincial Environmental provide a detailed list of waste that may be handled? Yes.

INORGANIC WASTES

		EXAMPLES
Acid Solutions		
111	Spent pickle liquor	Acid solutions of sulphuric and hydrochloric acids containing ferrous salts from steel pickling.
112	Acid solutions, sludges and residues containing heavy metals	Solutions of sulphuric, hydrochloric and nitric acids containing copper, nickel, chromium, zinc, cadmium, tin, lead or other heavy metals; chromic acid waste, acidic emission control sludges from secondary lead smelting
113	Acid solutions, sludges and residues containing other metals and non-metals	Solutions of sulphuric, hydrochloric, hydrofluoric and nitric acids containing sodium, potassium, calcium, magnesium or aluminum; equipment cleaning acids; cation regenerant; reactor acid washes; catalyst acid and acid washes.
114	Other inorganic acid wastes	Off-specification acids; by-product hydrochloric acid; dilute acid solutions; acid test residues
Alkaline Solutions		
121	Alkaline solutions, sludges and residues containing heavy metals	Metal finishing wastes; plating baths; spent solutions containing metals such as copper, zinc, tin, cadmium; case hardening sludges; spent cyanide destruction residues; dewatered solids from metal and cyanide finishing wastes and cyanide destruction.
122	Alkaline solutions, sludges and residues containing other metals and non-metals, not containing cyanides	Alkaline solutions from aluminum surface coating and etching; alkali cleaner wastes; waste lime sludges and slurries; anion regenerants.
123	Alkaline phosphates	Bonderizing wastes; zinc phosphates; ferrous phosphates; phosphate cleaners.
Aqueous Salts		
131	Neutralized solutions, sludges and residues containing heavy metals	Metal finishing waste treatment sludges containing copper, nickel, chromium, zinc or cadmium; neutral salt bath sludges and washes; lime sludge from metal finishing waste treatment; dewatered solids from these processes.
132	Neutralized solutions, sludges and residues containing other metals	Aluminum surface coating treatment sludges; alum and gypsum sludges.
133	Brines, chlor-alkali sludges and residues	Waste brines from chlor-alkali plants; neutralized hydrochloric acid; brine treatment sludges; dewatered solids from brine treatment.
134	Wastes containing sulphides	Petroleum aqueous refinery condensates.
135	Wastes containing other reactive anions	Wastes containing chlorates; hypochlorite; bromate or thiosulphate.
Miscellaneous Inorganic Wastes and Mixed Wastes		
141	Inorganic wastes from pigment manufacturing	Wastewaters and sludges from the production of chrome yellow, molybdate orange, zinc yellow, chrome green and iron pigments; dewatered solids from these sources.
142	Primary lead, zinc and copper smelting wastes	Slurries, sludges and surface impoundment solids; treatment plant sludges; anode slimes and leachate residues; dewatered solids from these sources.
143	Residues from steel making	Emission control sludges and dusts; precipitator residues from steel plants; dewatered solids from these sources.
144	Liquid tannery waste sludges	Lime waste mixtures; chrome tan liquors; dehairing solutions and sludges.
145	Wastes from the use of paints, pigments and coatings	Paint spray booth sludges and wastes; paper coating wastes; ink sludges; paint sludges.
146	Other specified inorganic sludges, slurries or solids	Flue gas scrubber wastes; wet fly ash; dust collector wastes; metal dust and abrasives wastes; foundry sands; mud sediment and water; tank bottoms from waste storage tanks that contained mixed inorganic wastes; heavy sludges from waste screening/filtration at transfer/processing sites not otherwise specified in this table.
147	Chemical fertilizer wastes	Solutions, sludges and residues containing ammonia, urea, nitrates and phosphates from nitrogen fertilizer plants.
148	Miscellaneous waste inorganic chemicals	Waste inorganic chemicals including laboratory, surplus or off-specification chemicals, that are not otherwise specified in this table.
149	Landfill leachate	Surface run-off and leachate collected from landfill sites.
150	Inert inorganic wastes	Sand and water from catch basins at car washes; slurries from the polishing and cutting of marble.

ORGANIC WASTES

Non-halogenated Spent Solvents		
211	Aromatic solvents and residues	Benzene, toluene, xylene solvents and residues.
212	Aliphatic solvents and residues	Acetone, methylethylketone and residues, alcohols, cyclohexane and residues.
213	Petroleum distillates	Varsol, white spirits and petroleum distillates, thinners
Fuels		
221	Light fuels	Gasoline, kerosene, diesel, tank drainings/washings/bottoms, spill clean-up residues.
222	Heavy fuels	Bunker, asphalts, tank drainings/washings/bottoms, spill clean-up residues

ORGANIC WASTES (Cont'd)

		EXAMPLES
Resins and Plastics		
231	Latex wastes	Waste latexes, latex crumb and residues
232	Polymeric resins	Polyester, epoxy, urethane, phenolic resins, intermediates and solvent mixtures
233	Other polymeric wastes	Off-specification materials, discarded materials from reactors.
Halogenated Organic Wastes		
241	Halogenated solvents and residues	Spent halogenated solvents and residues such as perchloroethylene, trichloroethylene and carbon tetrachloride (dry cleaning solvents); halogenated still bottoms; residues and catalysts from halogenated hycrocarbon manufacturing or recycling processes
242	Halogenated pesticides and herbicides	2,4-D, 2,4,5-T wastes, chlordane, mirex, silvex, pesticide solutions and residues
Oily Wastes		
251	Waste oils/sludges (petroleum based)	Oil/water separator sludge; dissolved air flotation skimming; heavy oil tank drainage; slop oil and emulsions
252	Waste crankcase oils and lubricants	Collected service station waste oils; industrial lubricants, bulk waste oils
253	Emulsified oils	Soluble oils; waste cutting oils, machine oils.
254	Oily water/waste oil from waste transfer/processing sites	Waste oil and oily water limited to classes 251, 252 and 253 that have been bulked/blended/processed at a waste transfer/processing site
Miscellaneous Organic Wastes and Mixed Wastes		
261	Pharmaceuticals	Pharmaceutical and veterinary pharmaceutical wastes other than biologicals and vaccines; solid residues and liquids from veterinary arsenical compounds.
262	Detergents and soaps	Laundry wastes.
263	Miscellaneous waste organic chemicals	Waste organic chemicals including laboratory surplus or off-specification chemicals that are not otherwise specified in this table.
264	Photoprocessing wastes	Photochemical solutions, washes and sludges.
265	Graphic arts wastes	Adhesives; glues; miscellaneous washes, etch solutions.
266	Phenolic waste streams	Cresylic acid; caustic phenolates; phenolic oils; creosote.
267	Organic acids	Carboxylic or fatty acids; formic, acetic, propionic acid wastes; sulphamic and other organic acids that may be amenable to incineration.
268	Amines	Waste ethanolamines; urea; tolidene; Flexzone waste, Monex waste.
269	Organic non-halogenated pesticide and herbicide wastes	Organophosphorus chemical wastes; arsenicals; wastes from MSMA and cacodylic acid.
270	Other specified organic sludges, slurries and solids	Tank bottoms from mixed organic waste bulking tanks at waste transfer sites; mixed sludges from waste screening/filtration at waste transfer/processing sites not otherwise specified in this table.
Processed Organic Wastes from Transfer Stations		
281	Non-halogenated rich organics	Blended/bulked non-halogenated solvents, oils and other rich organics prepared at transfer/processing sites for incineration.
282	Non-halogenated lean organics	Blended/bulked aqueous wastes prepared at transfer/processing sites for incineration and contaminated with non-halogenated solvents, non-halogenated oils and other non-halogenated organics.
Plant and Animal Wastes		
311	Organic tannery wastes	Fleshings; trimmings; vegetable tan liquors; Bate solutions
Compressed Gases		
331	Waste compressed gases, including cylinders	Methane (natural gas); nitrous or nitric oxide, propane, butane

Could Provincial Environmental provide a list of quantities that may be handled?

Specific Maximum Allowable Quantities of Waste

Type of Waste	*Quantity of Waste*
Solid Non-Hazardous Waste	274 Drums or Equivalent*
Acid Type Wastes	48 Drums or Equivalent*
Alkali Type Wastes	48 Drums or Equivalent *
Reactive Type Special Wastes	16 Drums or Equivalent *
Flammable or Combustible Material	216 Drums or Equivalent * Flammable Storage Tank: 22700 Litres Oil Storage Tank: 22700 Litres
Oxidizer Storage	40 Drums or Equivalent *
Compressed Gases	1 Tonne

Other Conditions:

- Limited to 100 tonnes receipt per day.
- Maximum storage on-site is 280 tonnes.
- 1 Drum is equal to 45 Imperial Gallons or 55 U.S. Gallons.

* Equivalent - indicates the material may come in 5 gallon pails, bags, totes, supersacs, etc.

Will Provincial Environmental receive PCB Waste?

No. We are not allowed, by law (Regulation 362), to receive P.C.B. waste. We are also proposing a screening process to analyze specific wastes for PCBs. This is an added safety feature.

What happens if Provincial Environmental finds PCB waste by testing the waste?

We are required to notify the Ministry of Environment and Energy of the situation and return the waste back to the customer.

What happens if Provincial Environmental picked up waste that was shipped by mistake by the customer to your site?

The waste will be identified by our sampling procedure and sent back to the customer. The Ministry of Environment and Energy must be notified.

What other wastes will Provincial Environmental <u>not</u> receive?

We will not receive:

- Animal waste - carcasses, rendering waste, etc.
- Infectious waste - used bandages, syringes, etc.
- Radioactive waste - spent fire detectors, etc.
- Explosives - fire crackers, dynamite, etc.
- PCB Waste - transformer oils, fluorescent light ballasts, etc.

Do you have written assurance that the waste received from your clients will not contain PCBs?

We have no objection to a condition on our Licence to have our clients provide written assurance that the waste received will not contain PCB Waste.

Will Provincial Environmental receive animal waste?

No. Our Licence will prohibit the receipt of animal waste.

Who will Provincial Environmental's clients be?

Since most growth is seen in the small business sector, we will market the majority of our service to this area. We are a small business ourselves and therefore we are better able to service this sector.

Examples - oils from service stations
paint from contractors/manufacturers/distributors
solvents from machine shops

Types of Businesses - Hospitals, Schools, Universities, Paint shops, Retail stores, Packaging companies, Etc.

SECTION III: SITE

Why did Provincial Environmental choose the Frid Street location?

The Frid Street site has the proper zoning that allows us to legally operate at this location.

The area has other very important factors that make Frid Street an ideal location:

- Excellent highway access
- Ability to service local business quickly and cost efficiently
- An availability of future workforce in the area
- Good area for quick response by emergency vehicles
- Other heavy industry in the area (steel plant, asphalt plant, railway line, etc.), going back 80 years

Why doesn't Provincial Environmental find another location? Move?

We searched for a property for eight (8) months prior to the purchase of the Frid Street location in February of 1992. Again in 1996, we looked for an alternate site and could not find anything that met our requirements. We have therefore made a business decision to pursue our license at this location.

Will Provincial Environmental expand the Frid Street location?

No. We have made a commitment that Provincial Environmental will <u>not</u> expand on Frid Street. Expansion would require Ministry of Environmental and Energy approval, which would entail the same procedure we are now following.

When did Provincial Environmental apply for the Certificate of Approval for a Waste Processing and Transfer Site?

We submitted our application to the Ministry of Environment and Energy on July 26, 1996.

Provincial Environmental's site is too small for your type of operation.

The volume of waste received is designed to fit into the building with additional room to operate. The building is approximately 13,300 square feet on almost 1 acre of land. There is no need for a larger site based on the volume of waste we propose to receive.

Your site is inadequate.

Based on the square footage, the Frid Street location is more than adequate. However, the site presently requires upgrades for the proposed operation which includes:

- Fire safety upgrades to meet the National Fire Code of Canada and the Ontario Building Code
- Loading/Unloading Area construction for the safe handling of Dangerous Goods
- Spill containment upgrades
- Laboratory installation

Is this type of facility the first one if its kind to be licenced?

No. There are similar operations throughout Ontario licenced by the Ontario Ministry of Environment and Energy. Some facilities are even located within the City of Hamilton.

What will be Provincial Environmental's hours of operation?

We are proposing 24 hours. However, at full capacity we expect to operate days and afternoons. Receiving wastes at night (11:00 pm - 6:00 am) would only take place in emergency situations, and extenuating circumstances.

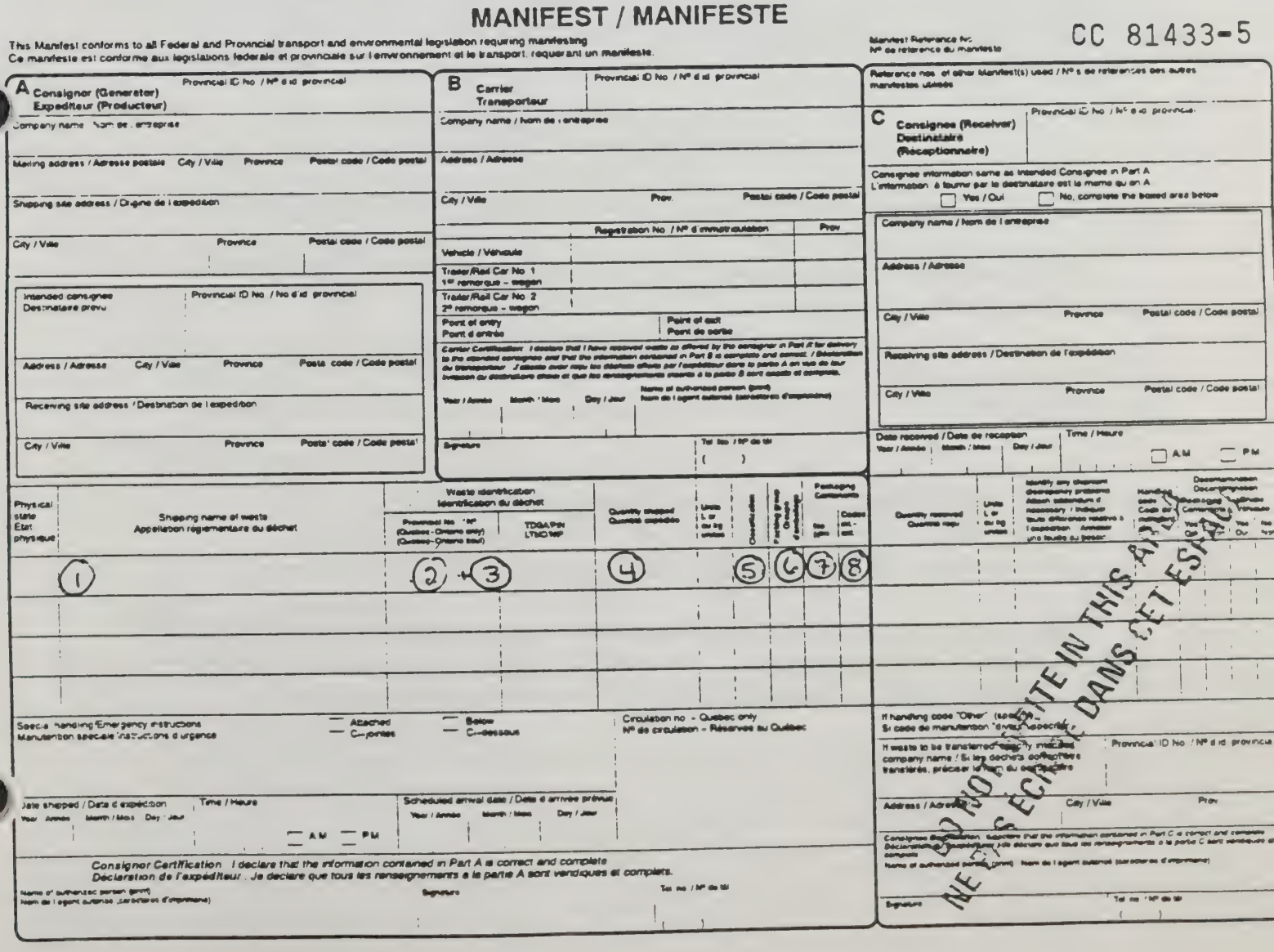
Provincial Environmental's site is too close to residential areas.

The closest resident is approximately 120 meters away, and is physically separated by a railway line. Due to the size and nature of our operations, we foresee no impact to any homes or businesses in the area.

How is the waste regulated and controlled?

All regulated waste is shipped using a 6 copy manifest completed by the customer. Two (2) copies are forwarded to the Ministry of Environment and Energy, one (1) copy is retained by the Carrier; two (2) copies are retained by the Customer, and one (1) copy is kept by the Receiver of the waste shipment. The manifest must be fully completed to indicate who is shipping the waste using a designated Provincial Identification No. This Provincial Identification Number is issued only to companies who are approved to dispose of waste. Without this Provincial Identification Number, we cannot dispose of the waste. Another section of the Manifest (Intended Consignee) indicates who will be receiving the waste. Again, only companies with Provincial Identification Numbers are approved to receive waste. The lower section of the form is for the identification and description of the waste(s). This section includes areas for the shipping name of the waste (1), Provincial Number (2), Transportation of Dangerous Goods Product Identification No. (3), quantity shipped (4), Transportation of Dangerous Goods Classification (5), Packing Groups (6), number of packages (7) and codes related to the type of packaging (8).

Figure 1 - Copy of Waste Manifest must be completed for waste disposal.



MANIFEST / MANIFESTE

This Manifest conforms to all Federal and Provincial transport and environmental legislation requiring manifesting.
Ce manifeste est conforme aux législations fédérale et provinciale sur l'environnement et le transport, requérant un manifeste.

Manifest Reference No. / N° de référence du manifeste: CC 81433-5

A Consignor (Generator) / Expéditeur (Producteur)

B Carrier / Transporteur

C Consignee (Receiver) / Destinataire (Réceptionnaire)

(1) (2) + (3) (4) (5) (6) (7) (8)

DO NOT WRITE IN THIS AREA / NE PAS ÉCRIRE DANS CET ESPACE

Who controls waste shipments and handling?

There are many agencies that control the shipment of wastes. They are:

- The Ontario Ministry of Environment and Energy
- Transport Canada (Transportation of Dangerous Goods Act)
- The Ministry of Transportation
- The Ministry of Health

How many fires or accidents did Provincial Environmental have on Frid Street?

Provincial Environmental has never had a fire or an accident. About 4 years ago, the mechanic shop had a fire and prior to our purchase of the building another fire had occurred. These were quickly contained due to the case of on-site entry for the Fire Department.

Why doesn't Provincial Environmental move to some contaminated property so Provincial Environmental can do what they want and no one will say anything?

We are in the business of cleaning up waste not polluting, so we cannot be situated on contaminated property. We are also regulated by the Ministry of the Environment and Energy and have strict requirements that we must follow at all times.

SECTION IV: TRAFFIC

How many trips per day will Provincial Environmental trucks be doing?

At full capacity, we might expect 20 movements per day. However, on an average day we expect 10 movements.

Will Provincial Environmental use other transport companies to ship waste into the facility?

Yes. We will use other transport companies that are licenced by the Ontario Ministry of Environment and Energy and meet safety requirements required by law.

How will Provincial Environmental affect traffic in the area?

Based on two reports by the City of Hamilton's Traffic Department and our own traffic survey, we will have no significant impact on the traffic. Reasons being the time of day we are shipping, traffic in and out will be regulated by careful scheduling whenever possible.

Does Provincial Environmental expect to use rail service to ship the waste?

No. We deal with small quantities of waste and rail service would be ineffective. Also, it would be impossible to be serviced by railcars, because of the steep embankment at the rear of our property.

Do fire trucks have access to the building?

Yes. The laneway requirement is 5.5 meters and the laneway provided is 7.3 meters.

Provincial Environmental does not have enough parking on site for their employees.

The site plan shows enough parking for 28 cars, and our trucks, still leaving room for our trucks to turn around on the property. The parking required for our employees is estimated to be a maximum of 15 spaces at any one time.

What type of training do Provincial Environmental drivers have?

All drivers are issued a Certificate to certify that they have been fully trained in the handling of Dangerous Goods. They are also trained for the following action:

- Follow Spill Action Plan in the event of spill
- Notify the applicable government agencies in the event of a spill
- Response techniques in the event of spill
- Defensive driving techniques
- Safe handling of the vehicle
- Circle check of the vehicle

What type of testing and control Measures are proposed?

We will sample and inspect drums of materials and bulk loads. This will include the following:

- Sampling of drums and containers by a trained chemical technician
- Samples of like materials will be combined and taken to the laboratory area with all paperwork
- Oils/Solvents and Paints will be tested for PCBs
- Quick tests will be conducted to determine the appropriate Dangerous Goods properties using the Provincial Environmental Laboratory Test Methods Manual
- If the paperwork and the materials meet the acceptance criteria, the material is approved for storage
- Material which does not meet the acceptance criteria will be rejected and returned to the waste producer.

What kind of training is required for Provincial Environmental employees?

The training of our employees to deal with **all** situations respecting hazardous materials management is required by law and will include the following for certain employees:

- Use of fire fighting devices
- Handling and storage of dangerous goods
- First Aid
- Fork Lift driving
- Response to spill situations
- Health and Safety Act
- Transportation of Dangerous Goods Act
- Safe Storage of Chemicals
- Requirements of Notification to applicable government agencies in event Emergency
- The requirements of the Certificate of Approval for a Waste Transfer and Processing Facility
- Safe handling and use of equipment
- Regulation 347, Waste management requirements
- Environmental Protection Act requirements
- Supervisor must have post Secondary Education in applicable technology
- Certificate in Handling CFC's

SECTION V: FIRE SAFETY

What are your fire safety and control features?

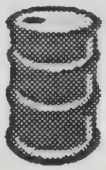
The fire safety and control features are required by law under the National Fire Code of Canada and the Ontario Building Code.

The following are some of the requirements:

- Fire rated walls between rooms
- Automatic sprinkler systems
- Explosion relief devices or vents
- Fire detectors
- Portable fire extinguishers
- Fire alarm and voice communication systems
- Emergency lighting/Exit lighting
- Means of Egress for employees
- Fire Safety Plan
- Explosion proof lighting and equipment in control areas
- Grounded drums and vent hoods for flammable materials

SECTION VI: OPERATIONS

The History of a Drum



Customer Consultation

Material Safety Data Sheets Received
Obtain Sample as Required
Examine Process
M.O.E.E. Information Reviewed

Technical
Sales Staff

QUALIFICATION
Review Information
Review Recycle and Reuse Options
Review M.O.E.E. Information
Customer Quotation

Technical
Sales Staff

Trained Drivers

TRANSPORTATION
Verification by Trained Driver
Drum is Labeled
Appropriate Placards placed on Truck
Manifest is Completed

Chemical Technician

TESTING
Sample & Analysis of Drums
May Include Composite Sampling
Reject or Approve based on Test Results

Trained Warehouse Personnel

STORAGE & BULKING
Identified Container goes to Proper Secured Area
Bulk Process May be Used
Recycling or Repackaging may be Done
Material Awaits Shipment

Trained Drivers

SHIPMENT
Inspect Container
Drum is Labeled
Appropriate Placards put on Truck
Manifest Signed
Shipped to Approved Waste Processing Site

D. (a.) (i)

CANADIAN DRAWN
STEEL COMPANY INC.
A BARTECH COMPANY
ISO 9002-94 REGISTERED

October 1, 1997

The Corporation of the City of Hamilton
71 Main St. West
Hamilton, Ontario
L8N 3T4

Attention: Planning Department

Reference: Proposed Change from 'D' to 'DE' District
Property Description No. 200 Dundurn St. S.
File - ZAC-97-26

To Whom It May Concern:

We at C.D.S.C. would like to express our opposition to the proposed zoning/official plan change due to our concern over adding a multiple family dwelling to an already high/heavy traffic area.

The Chatham/Frid Street area behind this proposed site is a busy commercial/industrial area with large heavy truck and auto traffic 24 hours a day. To us it just does not make sense to inject families, and in particular young children, into such a known busy environment.

Yours truly,
CANADIAN DRAWN STEEL COMPANY INC.

G. T. Ferguson
Plant Manager

GTF/JM

Rec'd
~~App'd~~ by Committee 1997 Oct. 7
App'd by Council

155 Chatham Street
Hamilton, Ontario L8P 2B7
Hamilton: (905) 546-5656
Fax (905) 546-0770

Provincial Environmental Services Inc.
97 Frid Street Hamilton, Ontario L8P 4M3 Tel: (905)577-0575 Fax: (905)577-0842

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OCT - 7 1997

D. (a.) (ii)

October 7, 1997

Hand Delivered

The Corporation Of City of Hamilton
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, ON L8N 3T4

Attention: Ms. Stella Glover
Secretary

Re: Alexander Street Lofts Development Rezoning - File ZAC -97-26

Dear Ms. Glover:

We are in receipt of your recent notification concerning the above captioned Rezoning and wish to go on record as to **Opposed** to the proposal.

Provincial Environmental Services Inc. has submitted an Application to the Ministry of Environment and Energy for a Waste Transfer Facility at our Frid Street location.

We first made notification of our proposal in May of 1996, and subsequently made application in July of 1996. Since that time we have undergone a barrage of concerns about our application including the issue of traffic and proximity of residential development to our site.

It is our opinion that the situation of an apartment dwelling adjacent to the main truck route access to the entire industrial area can only lead to further confrontation between the residences and the businesses located in the area.

Our research suggests that historically the area about the intersection of Dundurn and Chattam was used for industrial purposes. One might ask: <u>If the proposed usage is for residential development, has soil testing been conducting to ensure that MOEE clean up criteria for residential use has been satisfied?</u>

rec'd
App'd by Committee 1997 Oct. 8

App'd by Council

100% recycled paper
all post-consumer fibre

Responsible Waste Management

M - An official mark of Environment Canada

We wish to go on record again that it is our intention to establish our proposed facility as submitted to the MOEE and as was thoroughly discussed at various committees. There is no question as to the fact that we are properly zoned for our proposed usage. It would be unfair and unreasonable if the proposed zoning change were to adversely affect our Application.

Should you have any question, please feel free to contact the writer.

Thank you,

PROVINCIAL ENVIRONMENTAL SERVICES INC.



John Daneliuk
Secretary - Treasurer

cc: Joanne Hickey Evans
Manager - Policy, Planning and Analyses

D. (b.)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	V.J. Abraham, M.C.I.P. Director, Local Planning Division Planning and Development Department	YOUR FILE:	
FROM:	Susan K. Reeder, Acting Secretary Planning and Development Committee	OUR FILE: PHONE:	 546-2753
SUBJECT:	Request for an Official Plan Amendment and for a modification in zoning - 245 Mohawk Road West	DATE:	1997 October 9

As you are aware, the above noted matter was presented to the Planning and Development Committee at its meeting held Wednesday, 1997 October 8th. As a result of discussion about the determination of the floor area of the building, inclusion of the basement/cellar area in this calculation, and the resulting parking spot requirements, it was agreed that this matter be tabled for two weeks in order that staff and the applicant could meet to come to a mutually agreeable solution on this matter.

Accordingly, the following motion was tabled to the 1997 October 22nd meeting:

(a) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a physiotherapy clinic within the "Residential" designation for property known municipally as 245 Mohawk Road West and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application ZAC-97-22, Kaz Kusmierczak, prospective owner, for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", to permit a physiotherapy clinic within the existing building, on the following basis:

(i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands shown, be modified to include the following variances, as special requirements:

(1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, a physiotherapy clinic with a maximum floor area of 365 square metres shall be permitted;

(2) That notwithstanding Section 9(3)(iii) of Zoning By-law No. 6593, a minimum rear yard of a depth of at least 2.6 m shall be provided and maintained for a one storey building.

(3) That notwithstanding Subsection 4(a) of Table 1 contained in Section 18A of Zoning By-law No. 6593, a minimum of 14 parking spaces shall be provided and maintained;

(4) That notwithstanding Section 18A(5)(c) of Zoning By-law No. 6593, "floor area" means the area contained within the perimeter of the building at each floor level, including storeys below grade.

(5) That in addition to the requirements of Section 18(A)(7) of Zoning By-law No. 6593, a minimum of one parking space shall have dimensions not less than 3.9 m wide and 6.0 metres long.

(6) That notwithstanding Section 18A(11)(b) of Zoning By-law No. 6593, no parking shall be located within the front yard.

(7) That notwithstanding Section 18A(1)(d) of Zoning By-law No. 6593, a loading space shall not be required for a physiotherapy clinic.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps W-9 and W-17 be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-17 and W-18 for presentation to City Council.

(c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

Trusting that this confirmation is of assistance to you.

cc Roland Karl, Public Works and Traffic

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 September 30
ZAC-97-22
Rolston Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and for a modification in zoning - 245 Mohawk Road West.

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a physiotherapy clinic within the "Residential" designation for property known municipally as 245 Mohawk Road West and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application ZAC-97-22, **Kaz Kusmierczak, prospective owner,** for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", to permit a physiotherapy clinic within the existing building, on the following basis:

(i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands shown, be modified to include the following variances, as special requirements:

1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, a physiotherapy clinic with a maximum floor area of 365 square metres shall be permitted;

2) That notwithstanding Section 9(3)(iii) of Zoning By-law No. 6593, a minimum rear yard of a depth of at least 2.6 m shall be provided and

TABLED for 2 weeks.
App'd by Committee 1997 Oct 7
for further discussion with other areas by staff + applicant
App'd by Council

maintained for a one storey building.

3) That notwithstanding Subsection 4(a) of Table 1 contained in Section 18A of Zoning By-law No. 6593, a minimum of 14 parking spaces shall be provided and maintained;

4) That notwithstanding Section 18A(5)(c) of Zoning By-law No. 6593, "floor area" means the area contained within the perimeter of the building at each floor level, including storeys below grade.

5) That in addition to the requirements of Section 18(A)(7) of Zoning By-law No. 6593, a minimum of one parking space shall have dimensions not less than 3.9 m wide and 6.0 metres long.

6) That notwithstanding Section 18A(11)(b) of Zoning By-law No. 6593, no parking shall be located within the front yard.

7) That notwithstanding Section 18A(1)(d) of Zoning By-law No. 6593, a loading space shall not be required for a physiotherapy clinic.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps W-9 and W-17 be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-17 and W-18 for presentation to City Council.

(c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to establish a Special Policy Area to permit a physiotherapy clinic within the existing Residential designation.

The purpose of the proposed by-law is to provide for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a physiotherapy clinic. The physiotherapy clinic would be restricted to a maximum size of 365 sq.m (3,930 sq.ft.) (including basement and/or cellar area). In addition, the by-law provides for the following variances:

- permits a minimum rear yard of 2.6 m for a 1 storey building whereas the Zoning By-law requires 7.5 m;

- requires a minimum of 14 parking spaces whereas the provisions of the Zoning By-law would require 20 parking spaces for a 365 sq.m. physiotherapy clinic;

- define "floor area" as being the area contained within the perimeter of the building at each floor level, including storeys below grade, whereas the Zoning By-law does not include "cellar" in the definition of floor area;

- require that a minimum of one parking space, to be used as handicap parking be at least 3.9 m wide and 6.0 metres long;

- prohibits any parking in the front yard whereas the Zoning By-law prohibits parking within 6.0m of the front lot line; and,

- exempts the proposed physiotherapy clinic from providing a loading space.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Kas Kusmierczak, prospective owner.

AGENT:

John Ariens, Planning and Engineering Initiatives Limited.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have

- 27.706 m of lot frontage along Mohawk Road West;

- a maximum lot depth of 47.36 m; and

- a total lot area of 1,632.35 m^2.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Institutional (Canadian Reformed Teachers College)	"C" (Urban Protected Residential, etc) District
Surrounding Land Use		
to the north and south	Open Space and single detached dwellings	"C" (Urban Protected Residential, etc) District
to the east	Walkway, Assembly Hall (Masonic Hall), Medical Clinic and Single detached dwellings	"C" (Urban Protected Residential, etc) District
to the west	Single detached dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan.

The proposed use is not considered to be a "Medical Practioner's Office" or a "Local Commercial" use. Based on Policy A.2.1.1, the proposal does not conform to the Official Plan. The site area is less than 0.41 ha (1 acre), and as such, the subject lands should not be redesignated to "Commercial". However, an Official Plan amendment is required to create a Special Policy Area to permit the commercial use within the "Residential" designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Civic & Institutional" and "Single & Double" in the approved Rolston Neighbourhood Plan. Approval of the application will require the redesignation of the subject lands to "Commercial" to reflect the proposed use as a physiotherapy clinic.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. A physiotherapy clinic is considered a medical office and is not permitted in a "C" District.

2. No part of the parking spaces or manouvering space shall be located in the required 6.0m front yard. Parking and manouvering spaces located in the front yard.

3. A 1.5m wide landscaped area with a planting strip is required along the east, west and south lot lines between the parking area and the adjoining residential districts to the east, west and south. The planting strip is not provided.

4. A visual barrier is required to be provided along the east, west and south lot lines between the parking area and the adjoining residential district having a minimum 1.2m to a maximum 2.0m in height. The west lot line fence is not a visual barrier.

5. The parking area has not been dimensioned to determine compliance to Section 18A.

6. Our records indicate that the existing building has a basement which shall be included as floor area to determine the number of parking spaces required and the total floor area may require a loading space."

The Building Department further advised:

"1. The parking area (parking spaces and manouvering space) is not permitted to be located in the required 6.0 m (19.69') front yard. Phase I - 4 parking spaces are affected and Phase II - 6 parking spaces are affected.

2. It appears that the two parking spaces located in the southwest corner of the lot overlap. Each parking space must clear dimension of 2.7m x 6.0m.

3. One of the parking spaces in southwest corner does not have sufficient manouvering space aisle width of 6.0m.

4. A visual barrier is required along the westerly lot line.

5. The proposed side addition in Phase II must have an average rear yard of 7.5m (24.61') and the minimum rear yard setback must be at least 3.0m (9.84').

6. The existing parking layout does not conform to the minimum requirements.

7. The plans appear not to include the basement area. Please confirm use."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "The applicant has submitted a revised preliminary site plan and should be advised that the aisleway that connects the two parking areas north of the building must be a minimum of 5.5 metres wide. All parking and manouvering areas should be asphalted. Two parking spaces located adjacent to the northwest corner of the building (Phase II) must be relocated."

  In addition, the Traffic Division advised:

  "We have been advised that the existing floor area of the building may have been listed incorrectly (ie excluded basement). This may increase the total number of parking spaces required. The applicant should be advised that we would not support a variance to reduce the parking requirements."

- The Regional Environment Department, Development Engineering Section, has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Region's Transportation Department, Roads Division have the following comments.

  1. The existing and designated road allowance of Mohawk Road West is 30.48m. Therefore, we do not anticipate any further road allowance widenings at this time.

  2. According to plans submitted by the applicant there is an existing hedge within the Mohawk Road West road allowance, as widened. The hedge encroachment is contrary to the Region of Hamilton-Wentworth Roads Use By-law and remains at the sole risk of the applicant/owner. The applicant must ensure that this hedge does not block motorists visibility entering Mohawk Road West from property and adjacent properties.

  3. In the absence of any other details shown we advise that any works which may occur within the Mohawk Road West road allowance, must conform to the Region of Hamilton-Wentworth Road Use By-law."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The application for an Official Plan Amendment can be supported because the subject lands are located along a major arterial road and the proposed use would permit the adaptive reuse of the existing building. In addition the proposed use would be compatible with the public hall use located immediately to the west.

2. The proposal conflicts with the intent of the approved Rolston Neighbourhood Plan. If approved, an amendment to the Plan would be required to provide a establish a Special Policy Area to permit a physiotherapy clinic within the existing residential designation.

3. The application, as proposed, was for a 816 m^2 (8,785 sq.ft.) physiotherapy clinic (the basement is included in the calculation of floor area). For medical offices, the parking standard in the Zoning By-law is 1 space per 19 m^2. As such, a total of 43 parking spaces would be required. The plan submitted by the applicant showed a total of 21 parking spaces (see APPENDIX "B").

   In keeping with the residential parking requirements, parking in the front yard should be prohibited. In addition, to maintain adequate landscaping and buffering, a minimum of 14 parking spaces can be provided (see APPENDIX "C"). Although it is physically possible to accommodate additional parking on-site, this would require locating parking in the front yard or eliminating the landscape buffer strips. As such, the size of the proposed physiotherapy clinic should be restricted based on the amount of on-site parking provided.

   The elimination of parking from the front yard would reduce the permitted size of the physiotherapy clinic to 266 m^2 (2,863 sq.ft.). However, based on the size of the existing building, Planning and Development Department staff could support a reduction in the required parking from 21 spaces to 14 spaces to maintain the residential character of Mohawk Road West between Garth St. and West 5th St.

   In addition to the reduced parking standard, the following additional variances to the Zoning By-law are required.

   In keeping with the decision of the Committee of Adjustment in 1995, the Zoning By-law should permit a minimum rear yard of 2.6 m for a 1 storey building.

   The Building Department has advised that the existing building has a basement. For the purpose of defining "floor area", a basement is included in the calculation whereas "cellar" is not. Notwithstanding this, either a basement or a cellar could be utilized as part of the physiotherapy clinic. As such, based on discussions with Traffic Division staff, it is appropriate that the definition of "floor area" be amended to include cellar.

   The plans submitted by the applicant show 1 handicap parking space. However, this

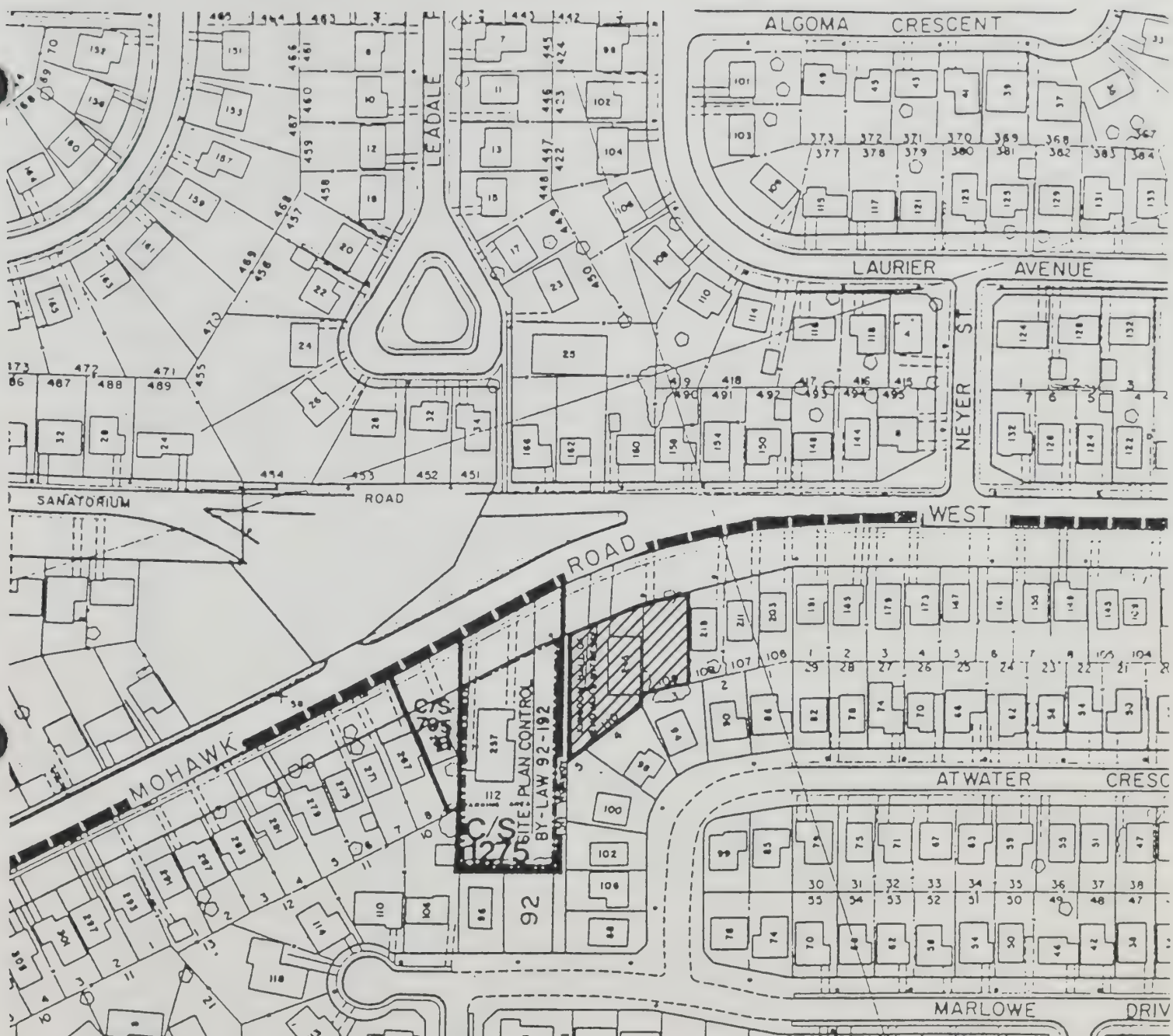
space is located in the front yard. As such, this space should be relocated. To ensure that a handicap parking space is provided, the implementing by-law should require that a minimum of one parking space, to be sued as handicap parking be at least 3.9 m wide and 6.0 metres long.

4. The "C" (Urban Protected Residential, etc) District is not subject to Site Plan Control. As the proposed use is considered to be a commercial use, it is appropriate that the subject lands be placed under site plan control so that matters such as landscaping, fencing, grading, access, parking, loading, etc., can be further reviewed.

CONCLUSION:

Based on the foregoing, the application for an Official Plan Amendment and modification in zoning can be supported.

ZA-97-22.RPT

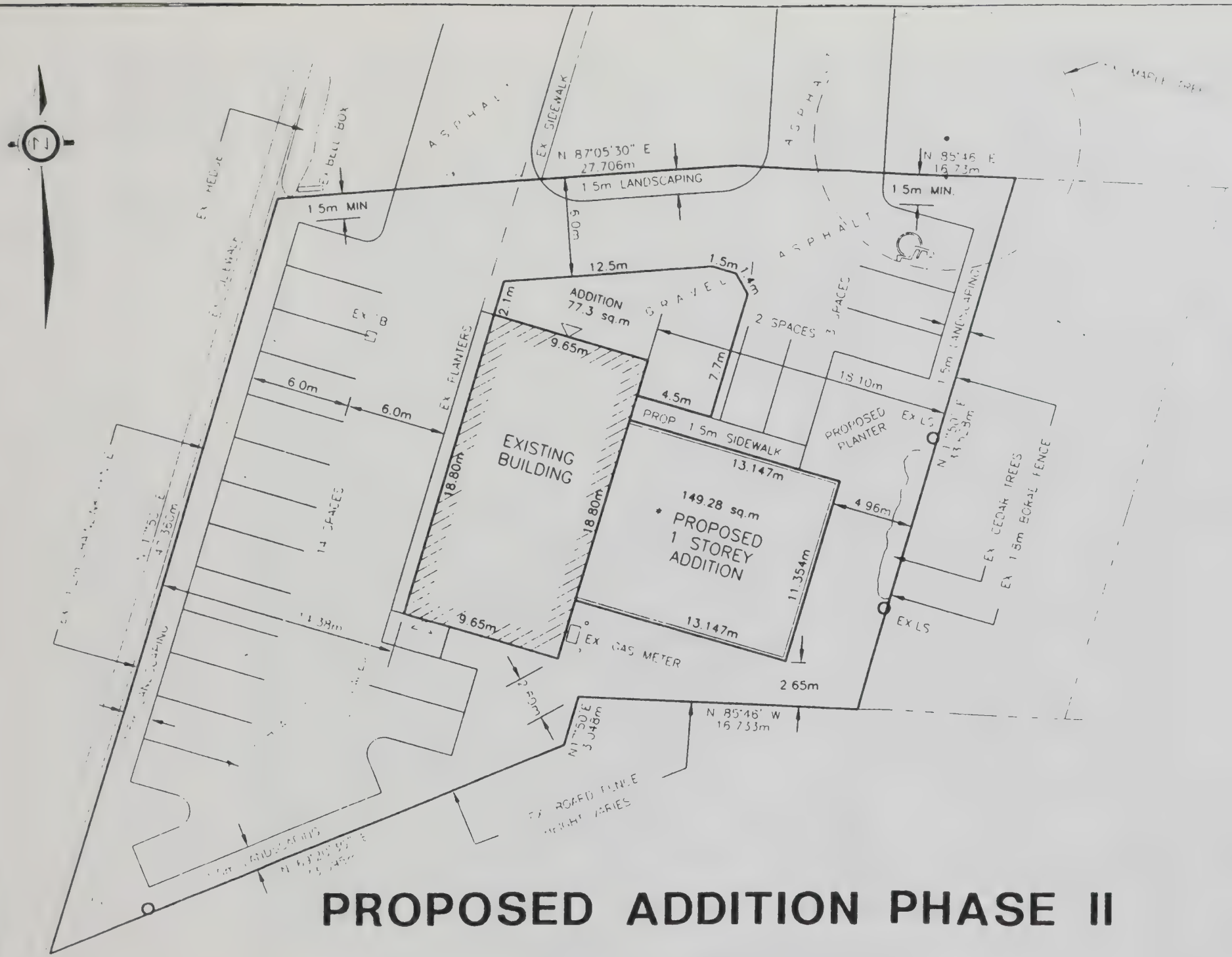


Legend

Site of the Application

Reference File No.	
ZAR-97-22	
Drawn By	Date
W. B.	May1997
Scale	
Not to Scale	
North	

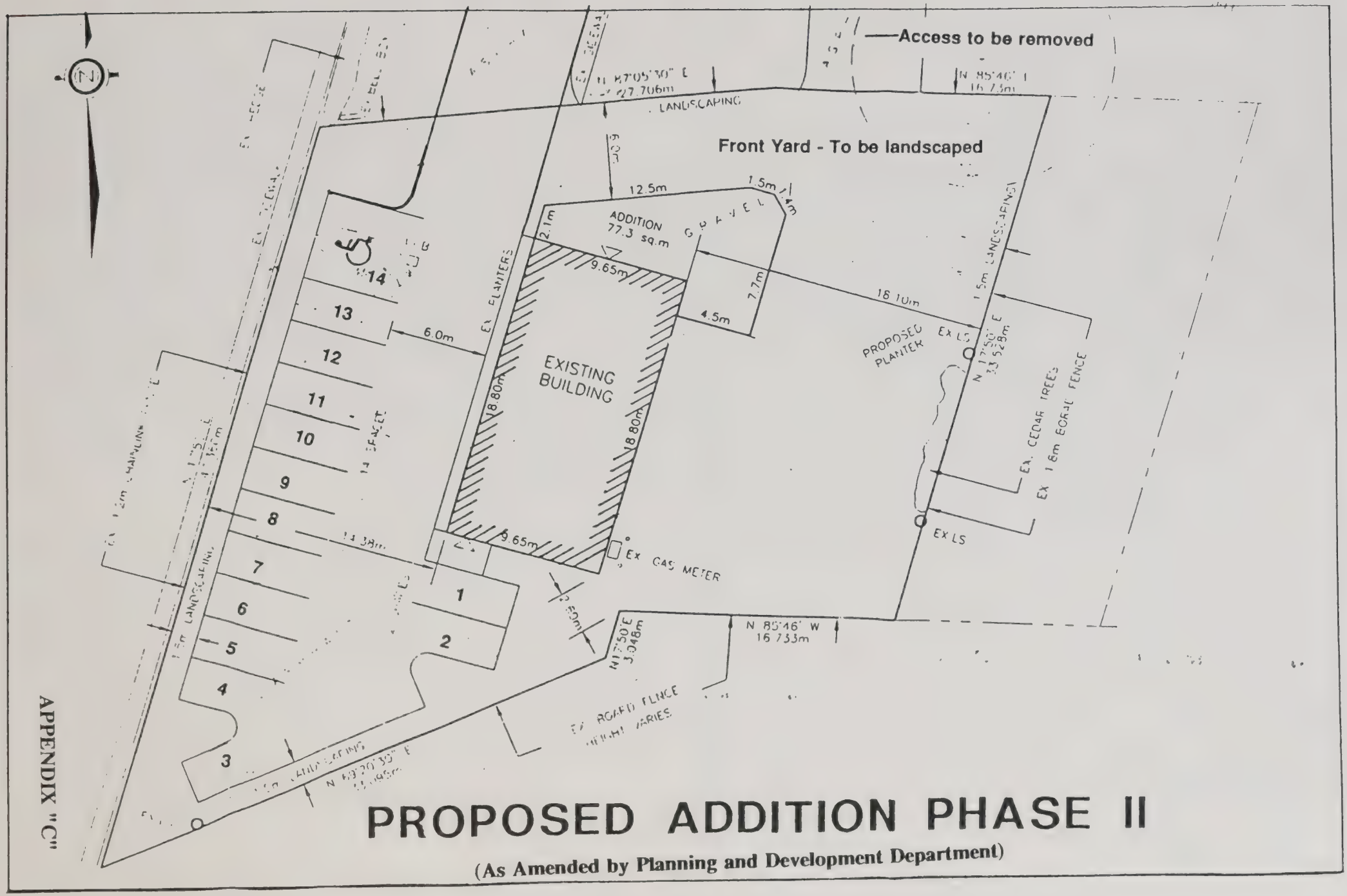
APPENDIX "A



PROPOSED ADDITION PHASE II

(As Submitted by the Applicant)

APPENDIX "B"



APPENDIX "C"

PROPOSED ADDITION PHASE II

(As Amended by Planning and Development Department)

C.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 October 22
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

(i) Minutes of the regular meeting held 1997 October 8 (copy to follow)

(ii) Minutes of the special meeting held 1997 October 14

B. BUILDING COMMISSIONER

(i) 555 Kenilworth Ave N - demolition

(ii) 13 Frederick Ave - demolition

C. ACTING SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Tuesday, 1997 October 14
5:30 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held to discuss an Ontario Municipal Board Appeal concerning By-law No. 97-049 respecting Rendering Plants.

A. (ii)

There were Present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman W. McCulloch
Alderman G. Copps
Alderman B. Charters
Alderman H. Merling

Regrets:
Mayor R. M. Morrow
Alderman M. Caplan
Alderman F. Eisenberger

Also Present:
Alderman B. Morelli
Alderman D. Wilson
Alderman M. Kiss
Alderman C. Collins
J. Pavelka, Chief Administrative Officer
P. Noé Johnson, City Solicitor
A. Ross, Treasurer
L. King, Building Commissioner
V. Abraham, Director, Planning and Development Department
A. Zuidema, Law Department
C. Floroff, Planning and Development Department
B. Hinkley, Hamilton Harbour Commissioners
S. Snider, Agent, Paletta International Corporation
A. Paletta, Paletta International Corporation
C. Touzel, Acting Secretary

The Committee was in receipt of an Information Report dated 1997 October 14 from the Director, Planning and Development Department, respecting the Ontario Municipal Board Appeal concerning By-law No. 97-049 respecting Rendering Plants.

Caroline Floroff, Development Planner, Planning and Development Department, appeared before the Committee and advised that as a result of meetings with Ministry of Environment and Energy (M.O.E.E.) officials on 1997 October 9 and October 14, the Planning and Development Department cannot support the proposal by Paletta International Corporation to reverse the City's downzoning of Rendering Plants for 281 Birch Avenue, given the Ministry's concerns on air emissions, particularly odour, and sewer use loadings.

Caroline Floroff added that Ministry of Environment and Energy officials have indicated that based on previous experiences with similar operations, that the Ministry's Certificate of Approval for Rendering Plants is not sufficient in and of itself and cannot guarantee that a facility will produce no emissions or odour.

Alderman Copps questioned Mr. Paletta, Vice-President, Paletta International Corporation, if sites in Burlington, closer to its established processing plant have been considered, and Mr. Paletta advised that the existing site in Burlington does permit this use but that the facility is operating at capacity.

Scott Snider, agent for Paletta International Corporation, expressed his concerns that Rendering Plants are not the only uses in a "K" District that generate odour and felt that the City would be hard pressed to defend a specific use. Mr. Snider also stated that the Ministry's Certificate of

Approval process does work and was surprised to hear the comments made by Ministry Staff to the contrary. Mr. Snider added that he does not think this matter should go to the Ontario Municipal Board.

The Committee then adjourned to meet **IN CAMERA** to obtain legal advise from the Law Department.

The Committee reconvened in open session and the following recommendation was made:

> That the Information Report dated 1997 October 14 from the Director, Planning and Development Department respecting the Ontario Municipal Board Appeal concerning By-law No. 97-049 respecting Rendering Plants be received. **(Motion LOST on a tie-vote)**

There being no further business, the meeting then adjourned.

Taken as read and approved,

Alderman D. Drury, Chairperson
Planning and Development Committee

Charlene Touzel, Acting Secretary

CITY OF HAMILTON

- RECOMMENDATION -

B. (i)

DATE: 1997 October 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
555 KENILWORTH AVENUE NORTH
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 555 Kenilworth Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

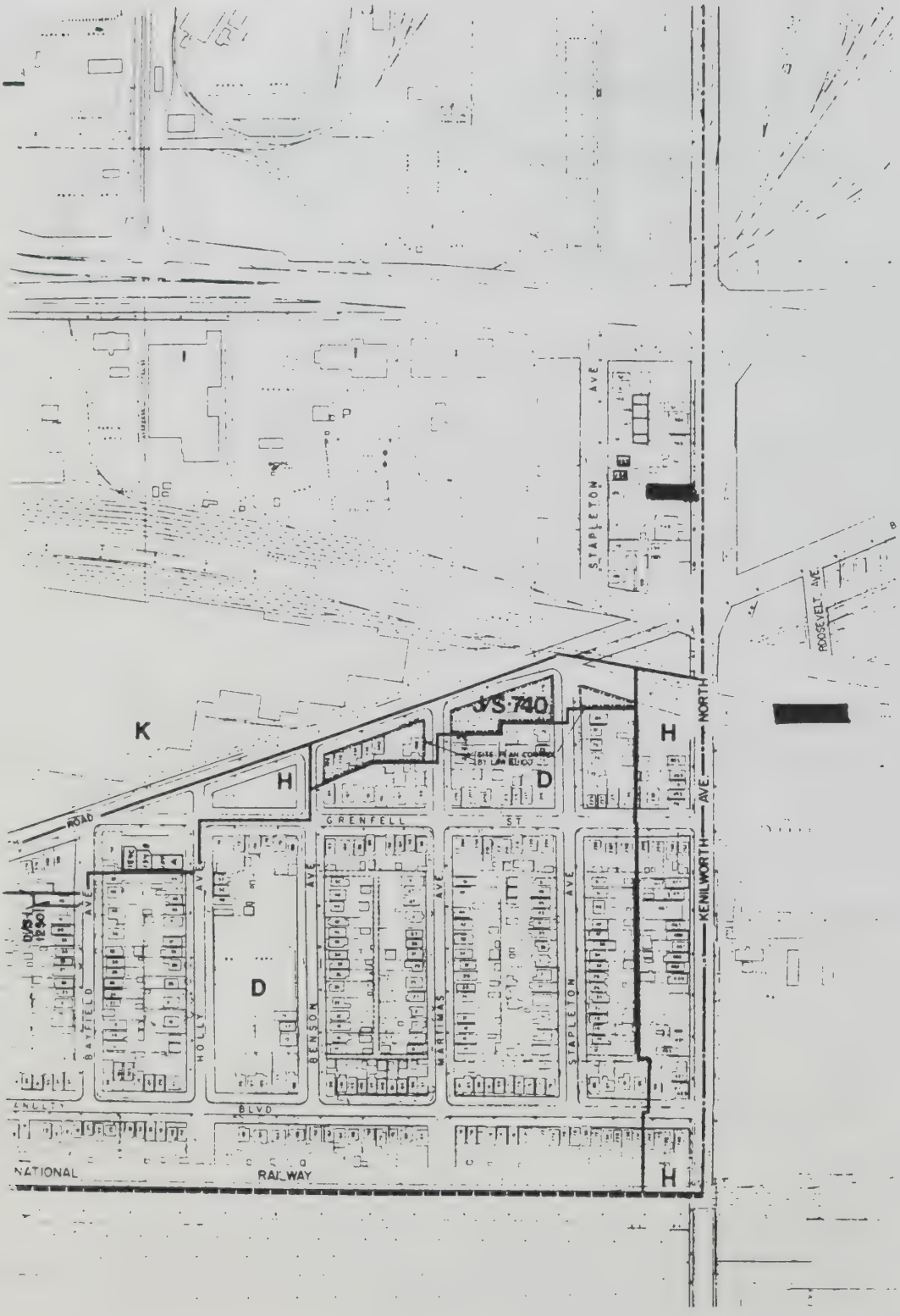
BRIEF DESCRIPTION: The owner wishes to demolish the existing 1-1/2 storey aluminium sided dwelling as the land is required for the enclave program. This land is located in the "E" and McAnulty Neighbourhood (see attached neighbourhood map) and is in Ward 4.

No LACAC interest. Lot size 25' x 100'.

The owner of the property as per the demolition permit is:

Helen Barron, 555 Kenilworth Avenue North, Hamilton, Ontario, L8H 4T8

FP/zr



SUBJECT PROPERTY
555 KENILWORTH AVE. N

80	79	78
72	73	74
35	34	66

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAMILTON

INDUSTRIAL SECTOR

'E' AND McANULTY

ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
SCALE 50m
NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO 6205 6211

PAGE NO 73

CITY OF HAMILTON

- RECOMMENDATION -

B. (ii)

DATE: 1997 October 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
13 FREDERICK AVENUE - Tag Number 11614
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 13 Frederick Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

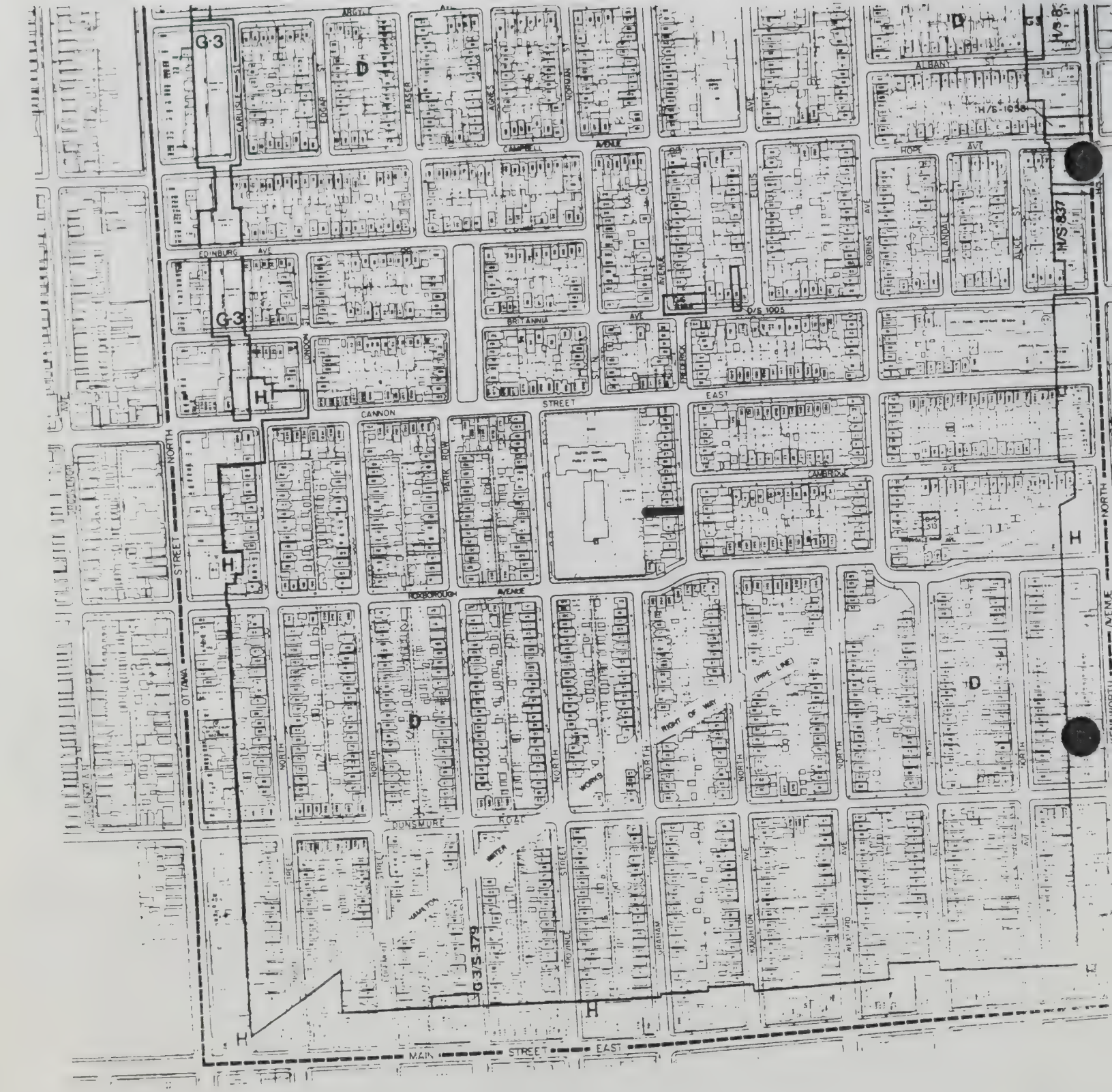
BRIEF DESCRIPTION: The owner has demolished the existing dwelling without approval from the Planning and Development Committee or City Council approval. An Order to Comply dated July 14, 1997 requiring a building permit is attached. The proposed use is to replace the previous single family dwelling with a new single family dwelling. There is a building permit application Tag #11640 (see attached) to replace the previously demolished dwelling. There is a current application to the Committee of Adjustment A-97:223 (see attached) which has been approved, however, as of this date it is not final and binding. The property is located in the Crown Point Neighbourhood (see attached neighbourhood map) and is in Ward 4.

No LACAC interest. Lot size 25.00' x 102.33'.

The owner of the property as per the demolition permit is:

L. Rampersaud, 1223 Dunsmure Road, Hamilton, Ontario, L8H 1L5

FP/zr



SUBJECT PROPERTY
13 FREDERICK AVE.

72 73 74
35 34 33
37 36 9

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

Neighbourhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING
DIV. OF
8513

Earliest Oct. 21/97 / P.U.

ZONE D — — —

THE CORPORATION OF THE CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
HAMILTON, ONTARIO

TAG NO. 11640
SEC NO. —
PLAN NO. F —
PERMIT NO BZ 97 —

MAP NO E-54

FOR OFFICE USE ONLY

ESTIMATED COST OF WORK $ 72,105.00	REQUIRED APPROVALS	PREPAID PERMIT FEE
PERMIT FEE $ 717.00	C. OF A. ☑ YES ☐ NO A-97:223	AMOUNT 717.00 REC'D Oct. 8/97
CITY DEV. CHARGE ☐ YES ☒ NO	D. A. ☐ YES ☐ NO	RECEIPT 071180 DATE D.O.
REG. DEV. CHARGE ☐ YES ☒ NO	L.A.C.A.C. ☐ YES ☐ NO	VISA AUTHORIZATION NO.
5% LAND DEDICATION ☐ YES ☒ NO	LAND DIVISION ☐ YES ☐ NO	

APPLICATION FORM

TO: ☑ ERECT ☐ ALTER ☐ ADD ☐ DEMOLISH ☐ CHANGE OF USE ☐ CONDITIONAL

☐ PRINCIPAL BUILDING ☐ ACCESSORY BUILDING ☐ HVAC ☐ PLUMBING ☐ DRAINAGE/WEEPING TILE ☐ SIGN

PRESENT USE: SINGLE FAMILY RESIDENT

PROPOSED USE: SINGLE FAMILY RESIDENT

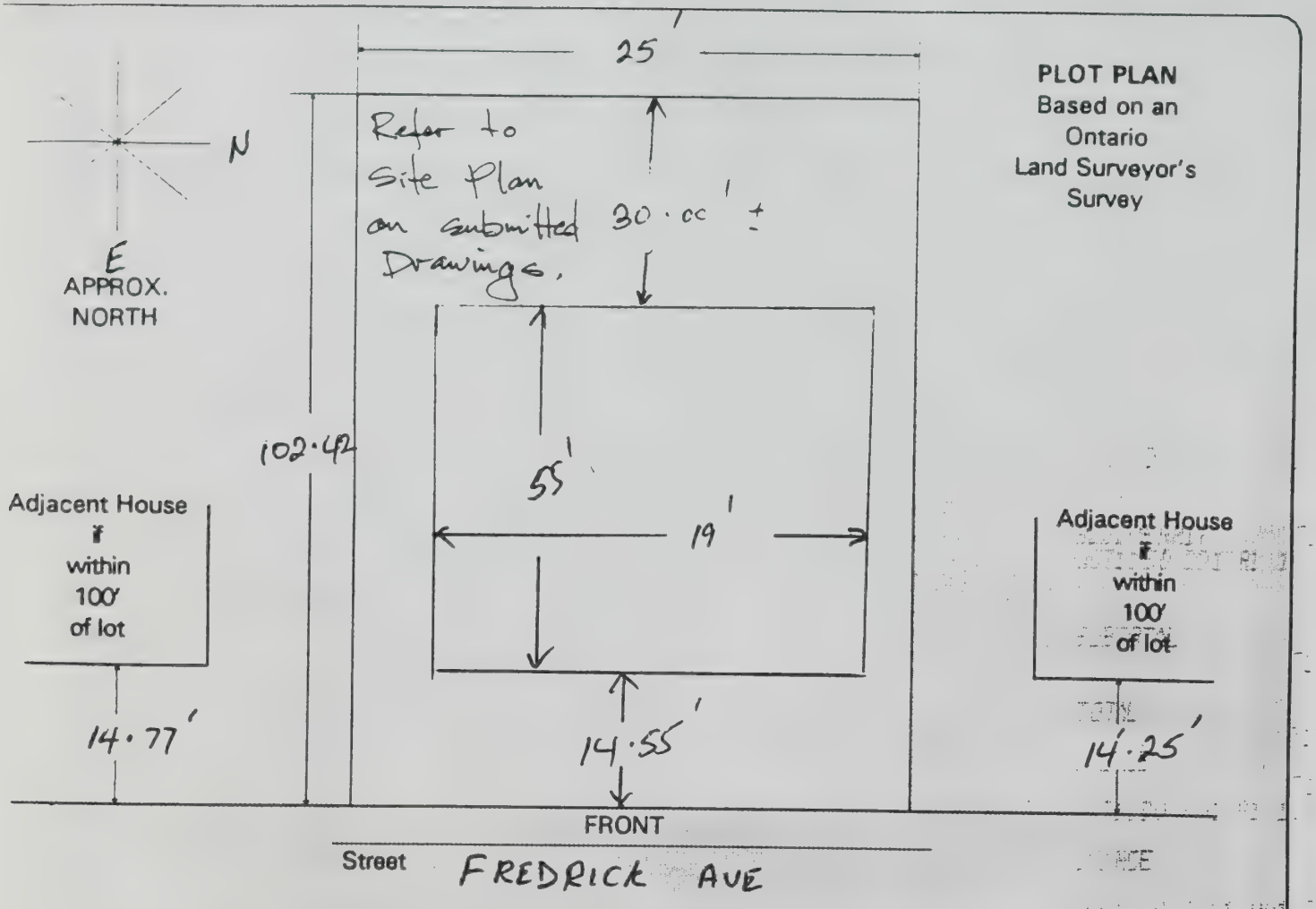
LOCATION: 13 (MUNICIPAL NUMBER) FREDRICK St. (STREET) 22 (LOT NUMBER)

BETWEEN: CANNON (CROSS STREET) AND ROXBOROUGH (CROSS STREET)

	NAME	ADDRESS	CITY	PHONE/POSTAL CODE
OWNER	RAMPERSAND	1223 DUNSMURE RD	HAMILTON	545-2577 L8H 1L5
TENANT	—			
CON-TRACTOR	OWNER	SAME AS ABOVE		
DESIGNER	WAYNE HARRISON			

DESCRIPTION OF WORK	LICENCE/NHWP REG. NO.	COST OF WORK	
To erect a 1 sty S.F.D.		BUILDING	$ 30,000.00
75,000 BTU High Efficiency Furnace		HVAC	$ 2400.00
- Over in-fill Lot.		PLUMBING	$ 1800.00
- No Dev. Charges.		ELECTRICAL	$ 1000.00
1045 # @ 69		TOTAL	$ 35,200.00

APPLICAT.FRM May 1994



STATUTORY DECLARATION

I X LALITA RAMPERSAUD of the City of Hamilton, in the Regional
PLEASE PRINT

Municipality of Hamilton Wentworth solemnly declare that I am (the owner) ~~(the authorized agent of the owner)~~ above-named, that I have a personal knowledge of the particulars above-stated, and that all the information and statements given on this application form and on the drawings and specifications are to the best of my knowledge and belief true, and that I know of no reason why the permit should not be granted to me in pursuance of the said application. And I make this Solemn Declaration conscientiously believing it to be true, and knowing it is of the same force and effect as if made under oath, and by virtue of "THE CANADA EVIDENCE ACT".

DECLARED before me at the City of Hamilton, in the Regional Municipality of Hamilton Wentworth

this 8TH day of Oct.

in the year of our Lord 1997

X

A commissioner for taking affidavits in and for
the Regional Municipality of Hamilton
Wentworth.
My commission expires on June 3, 2000

APPLICANT X L. Rampersaud
SIGNATURE

ADDRESS 1223 DUNSMURE RD.
MUNICIPAL NO. STREET

Hamilton 545-2577
CITY L8H 1L5
PHONE/POSTAL CODE

PUBLIC RECORD

Personal information contained on this form is collected under the authority of the City of Hamilton By-law 93-167, and amendments thereto, and will be used to ensure compliance with the Building Code Act, R.S.O., 1993. Questions about this collection should be directed to: Building Commissioner, 71 Main Street West, 3rd floor, Hamilton, Ontario, L8N 3T4, (905) 546-2720.

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-97:223
SUBMISSION NO. A-223/97

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 10.(1) and 10.(3).

AND IN THE MATTER OF Premises municipally known as **13 Frederick Avenue**, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a **"D" (Residential)** district;

AND IN THE MATTER OF AN APPLICATION by the owner, Lalita Rampersaud, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45(1) of The Planning Act, 1983, so as to permit the proposed single family dwelling to be constructed as close as 0.61m (2.0') to the north side lot line instead of the minimum required 1.2m (3.84') away and also to permit an access driveway (right-of-way) having a width of 2.13m (7.0') instead of the minimum required 2.8m (9.19').

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** for the following reasons:

The Committee is of the opinion that the proposed development is in keeping with the character of the majority of established development in the neighbourhood.

The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.

DATED AT HAMILTON this 1st day of October, 1997.

SIGNED:

M. Dudzic (Chairman)

E. Begg

R. N. Cutler

B. Law

D. Serwatuk

Alderman B. Charters

Alderman H. Merling

NOTE: This decision is not final and binding unless otherwise noted.

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

FILE NO:

ISSUED TO	LOCATION
LALITA RAMPERS JD 13 FREDERICK AVE HAMILTON ON L8H 4K1	13 FREDERICK AVENUE HAMILTON, Ontario.

TAKE NOTICE THAT THE demolition of a Single Family Dwelling
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, S.O. 1992, Chapter 23, Section 8(1)	Construction at the above address has commenced without the required permit being issued by the Chief Official. REQUIREMENT TO COMPLY: Obtain permit for all construction at the above address.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION AND HEREBY ORDERED TO COMPLY WITHIN forthwith

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW

REGISTERED MAIL POSTED ON SITE RECEIVED BY	July 14, 1997 DATE	Gene Perko 546-2424 INSPECTOR	July 14, 1997 DATE

TOLL FREE CT (905) 546-2424

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 17th

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Susan K. Reeder, Acting Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Site Plans for Approval

(b) Local Architectural Conservation Advisory Committee - Minutes of meeting held 1997 September 8th

Susan K. Reeder.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN/MUNICIPAL
CA4 ON HBL A05
C 51P4
1997

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

DEC 10 1997

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Thursday, 1997 December 11
4:00 o'clock p.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

1. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Proposed Revised Draft Plan of Subdivision "Timothy Survey".

2. **REFERRED BACK BY CITY COUNCIL**

   Proposed Official Plan Amendment No. 145 - No. 100 Beddoe Drive (Lapp Property).

   (a) Submission - Linda Pearson, 7 Beulah Avenue, Hamilton

   (b) Submission - Petition - Neighbourhood

3. **CITY CLERK**

   Sub-Committees of the Planning and Development Committee

4. CITY SOLICITOR

By-law to Provide for Maintaining Land in a Clean and Clear Condition

5. BUILDING COMMISSIONER

Demolition Condition Agreement - 266-280 King St. E.

(a) Submission - Frank Spallacci, Spallacci & Sons Ltd.

6. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Bellevue, 14 Belvidere Avenue (Designated) - Demolition Permit Application (to follow)

7. CONSENT AGENDA

8. OTHER BUSINESS

9. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee to report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997)
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to draft Report	Report forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report forthcoming
6.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use regarding Hamilton Harbour Commission Lands	Report forthcoming
7.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
8.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
9.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
10.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaining how street names are determined	Report pending

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
11.	ZAC-97-06, 87-95 Wellington St. N. & 216 Wilson St.	1997 June 18	Tabled for the applicant to apply for RHPA and approach Regional Transportation regarding road width	Tabled with instructions
12.	Wesley Centre, 195 Ferguson Avenue North	1997 June 18	Planning, Clerk's Real Estate Division, and Economic Development Department to work with Wesley to determine alternate sites	Pending
13.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and comment	Pending
14.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report forthcoming
15.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
16.	Planning Tariff Fees - Condominium and Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
17.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
18.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending

1997 December 11

(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 25
(25T-94001(R))
Crerar Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Revised Draft Plan of Subdivision "Timothy Survey"

RECOMMENDATION:

(a) That approval be given to the request by Timothy Canadian Reformed School Society, et.al., owners for a revision to the Draft Approved Plan of Subdivision "Timothy Survey", File No. 25T-94001(R), for 22 lots for single detached dwellings and two blocks for institutional uses, on lands located north of the future extension of Crerar Drive, west of Upper Wentworth Street in the Crerar Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated July 24, 1997, showing 22 lots for single detached dwellings, two blocks for institutional uses and one street identified as Court "A", attached as APPENDIX "B".

(ii) That Court "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the applicant/owner pay to the City and Region all outstanding road, real estate and servicing costs for Parts 5 and 6 on Reference Plan 62R-8492 on Aquilla Place.

(v) That 1m by 1m daylight triangles be established on the corner of Court "A" and Crerar Drive.

(vi) That Crerar Drive in "Timothy Survey" plan of subdivision be established and constructed to its full width.

(vii) That the final plan conform with the Zoning By-law approved under the Planning Act.

(viii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.

(ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(xii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xiii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94001(R)), Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society for a Home for the Aged Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the approved Crerar Neighbourhood Plan be amended to redesignate the subject lands from "Civic & Institutional" to "Single and Double Residential" and to add the local street as per the revised draft plan of subdivision attached as APPENDIX "B".

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

"Timothy Survey" Draft Plan of Subdivision (25T-94001)

City Council, in October, 1994, recommended approval of the draft plan of subdivision "Timothy Survey". The lands that are subject to the revised application were draft plan approved for 8 lots for single family dwellings fronting onto the extension of Crerar Drive and a block of land (Block 44) for use with the Timothy Canadian Reformed School.

The elementary school is now being used as a teacher's college which requires less land then the previous elementary school. Therefore, it is proposed to reduce the size of Block 44 and to permit the development of 18 lots fronting onto a new street shown as Court "A" on the attached plan marked as Appendix "B".

Consent Applications B-97:50 - 56

The Committee of Adjustment, at its meeting of May 28, 1997, approved Consent Application B-97:50 - 56, inclusive. These applications were to facilitate the development of the "Timothy Survey" and the abutting "Falconstone" draft plans of subdivision. These applications will allow for the construction of Crerar Drive and local roads in accordance with the Crerar Neighbourhood Plan.

Applicant:

Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society for a Home for the Aged Inc., owner

Agent:

Al Fletcher, A.J. Clarke and Associates Ltd.

Surveyor:

B.J. Clarke,O.L.S. of A.J. Clarke and Associates Ltd.

Location:

The lands are located north of the future extension of Crerar Drive, west of Upper Wentworth Street in the Crerar Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The lands to be developed for residential uses has:

- a width of approximately 98 m along the future extension of Crerar Drive;
- a depth of approximately 131 m; and,
- an area of 1.3 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Institutional Uses and Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Vacant lands	"C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Institutional Uses	"C" (Urban Protected Residential, etc.) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 22 lots for single detached dwellings. Eighteen of the lots will front onto a new street (shown as Court "A") and 4 lots will front onto Crerar Drive (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Major Institutional". Based on Policy A.2.6.5, the proposed development complies with the Official Plan.

Neighbourhood Plan:

The subject lands are designated as "Civic & Institutional" (Separate School) in the approved Crerar Neighbourhood Plan. The Hamilton-Wentworth Roman Catholic Separate School Board has advised that they do not require the Separate School designation as outlined in the neighbourhood plan.

Approval of the application will necessitate the redesignation of the subject lands from "Civic & Institutional" to "Single and Double Residential" and to add the local street as per the revised draft plan of subdivision attached as APPENDIX "B".

Zoning:

The subject lands are zoned "C" (Urban Protected Residential, etc) District. The proposal complies with the intent of the Zoning By-law.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department has submitted the following comments and recommendations:

  "Information:

  1) (At the preconsultation meeting with the applicant's agent) it was noted that the proposed cul-de-sac street exit onto Crerar Drive had limited motorists sight distances looking to the east. Since these lands were previously designated for Separate School Board purposes and since the access to these lands would have been on the west side of the lot, these sight lines concerns would not have been an issue with that land use.

     Given the fact that the neighbourhood plan must be revised to reflect this new land use and the fact that previous access would have been restricted to the west

side of the lot to maximize motorist sight lines to the east, we recommend that the cul-de-sac bulb configuration be revised and that the north-south portion of the cul-de-sac street be relocated to the west property line. This street relocation will provide improved motorist sight lines looking east. The existing "institutional use" to the west has limited frontage onto Crerar Drive and this option will also enable these lands to be developed with residential frontage on an internal street should the "institutional use" be discontinued at some future date.

In our preconsultation meeting these concerns were clearly noted and the applicant was advised that a letter from the Separate School Board was required indicating that the lands were no longer required for that use, an amendment to the Crerar Neighbourhood Plan would be required indicating the proposed change in land use from institutional to residential and that the revised plan of subdivision must be revised with the north-south street being located at the west side of the property.

2) Servicing for the cul-de-sac will be from the sewers and watermain proposed in Crerar Drive in conjunction with "Timothy Survey - Phase 1".

Recommendations:

1) That Court "A" be relocated to the west side of the property and that the subdivision plan and lot fabric be revised to the satisfaction of the City of Hamilton Department of Public Works and Traffic, the Regional Environment Department and the Regional Transportation Department.

2) That the applicant/owner pay to the City and Region all outstanding road, real estate and servicing costs for Parts 5 and 6 on Reference Plan 62R-8492 on Aquilla Place.

3) That 1m by 1m daylight triangles be established on the corner of Court "A" and Crerar Drive.

4) That Crerar Drive in "Timothy Survey" plan of subdivision be established and constructed to its full width.

5) That the applicant/owner pay all City and Regional costs for municipal services, roads and sidewalks, etc. on the relocated Court "A at the west side of the property.

6) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

The submitted plan as prepared by A.J. Clarke and Associates Ltd. entitled "Concept 10" is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Traffic Division advised that:

  "The proposed amendment to the draft plan to establish 22 single family lots and a new street, "Court A" is satisfactory. The development of the subject lands should be conditional on the establishment and construction of Crerar Drive to provide the roadway connection between the existing southerly limits of Crerar Drive and Stone Church Road."

- The Building Department advised that:

  "1. The land is located in a "C" District.

  2. The lots must conform to the minimum 12.0m lot width and the minimum 360.0 m^2 lot area. Please confirm the lot widths and area.

  3. Each lot must have frontage on a street having a width of at least 12.0 m which provides access to each lot.

  4. All proposed streets shall be established under By-law so there is appropriate access to the lands from a public highway."

- The Hamilton-Wentworth Roman Catholic Separate School Board advised of the following:

  "The Board has reviewed the Neighbourhood Plan of Crerar Neighbourhood and does not require the Separate School designation as outlined in the plan."

COMMENTS:

1. The proposal complies with the intent of the Official Plan. It is noted that the subject lands are designated "Major Institutional". Based on Policy A.2.6.5, the proposed development complies with the intent of the Official Plan. It should be noted a redesignation from "Major Institutional" to "Residential" will be done as part of a City Initiative to reflect the proposed land use.

2. The application, has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it complies with the "C" District regulations in Zoning By-law No. 6593; and,
   - it is compatible with existing and proposed development in the area.

3. The Regional Environment Department, Development Engineering Section has recommended that the north-south portion of the cul-de-sac street be relocated to the west property line (see APPENDIX "C"). This would provide for improved motorist sight lines looking east. Both the plan submitted by the applicant and the redesign recommended provide for 22 lots for single detached dwellings.

   Planning and Development Department staff do not support the reconfiguration recommended by the Regional Environment Department (RED) for the following reasons. The proposed redesign would result in a single loaded road and would not provide for any buffering (ie privacy fences) from the abutting institutional use. The plan, as submitted by the applicant, provides for a better residential environment and avoids the creation of lots with excessive road frontage (ie lot 13 on Appendix "C"). It is noted that The proposed street (Court "A") is a local street and the plan, as submitted by the applicant is satisfactory to the Traffic Division. In addition, a single loaded cul-de-sac is not in keeping with the existing development pattern in the Crerar Neighbourhood whereby lots front onto both sides of existing and draft approved cul-de-sacs.

4. The subject lands are zoned "C" (Urban Protected Residential, etc.) District. The provisions of the "C" District require a minimum lot width of 12.0 m (40 ft) and lot area of 360 sq. m (4,000 sq.ft). As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.

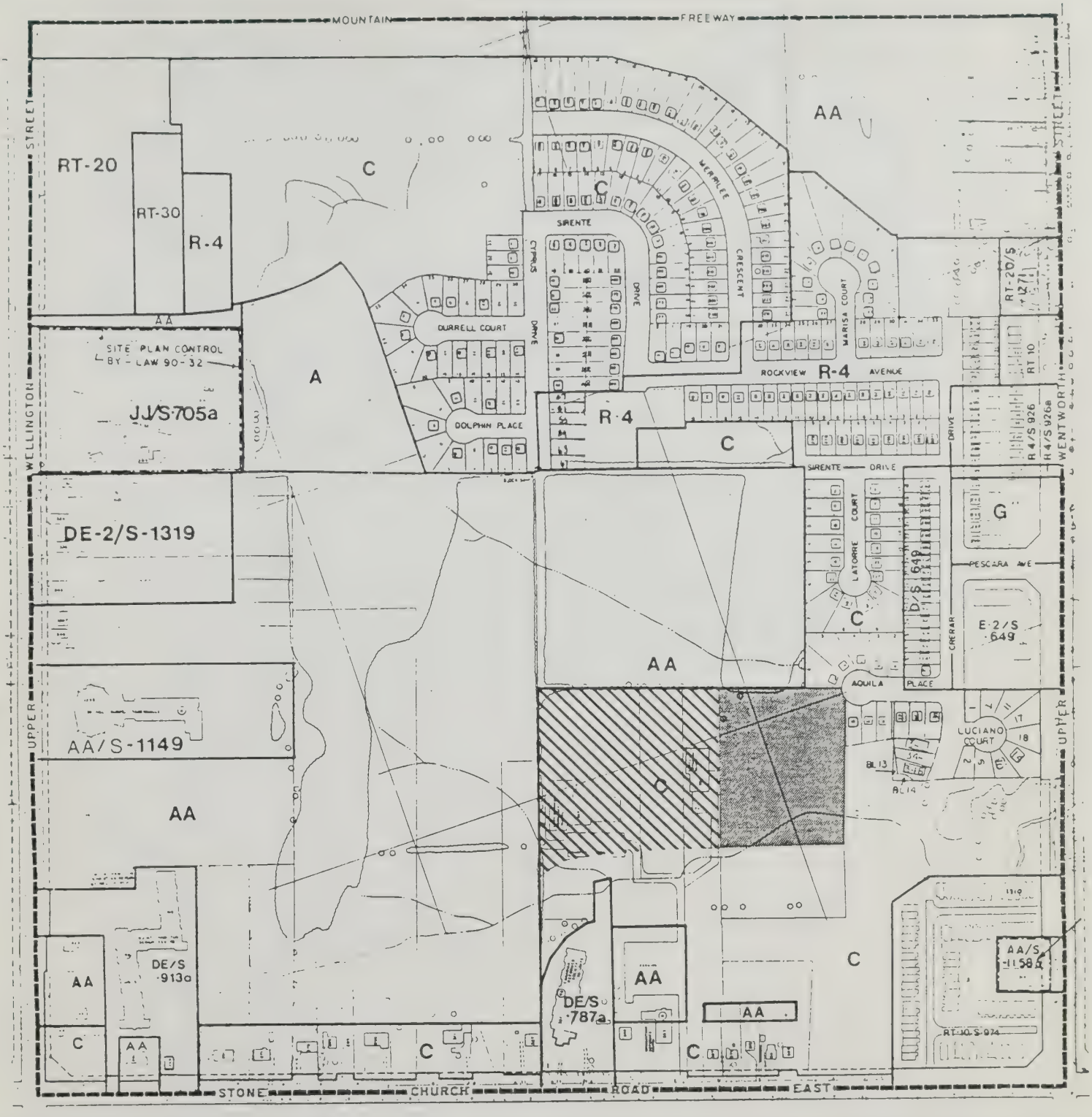
5. The approved Crerar Neighbourhood Plan designates two sites for park and recreational uses. One of these sites abuts the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

Timothy.rev

Crerar (33)



Legend

Site of the Application

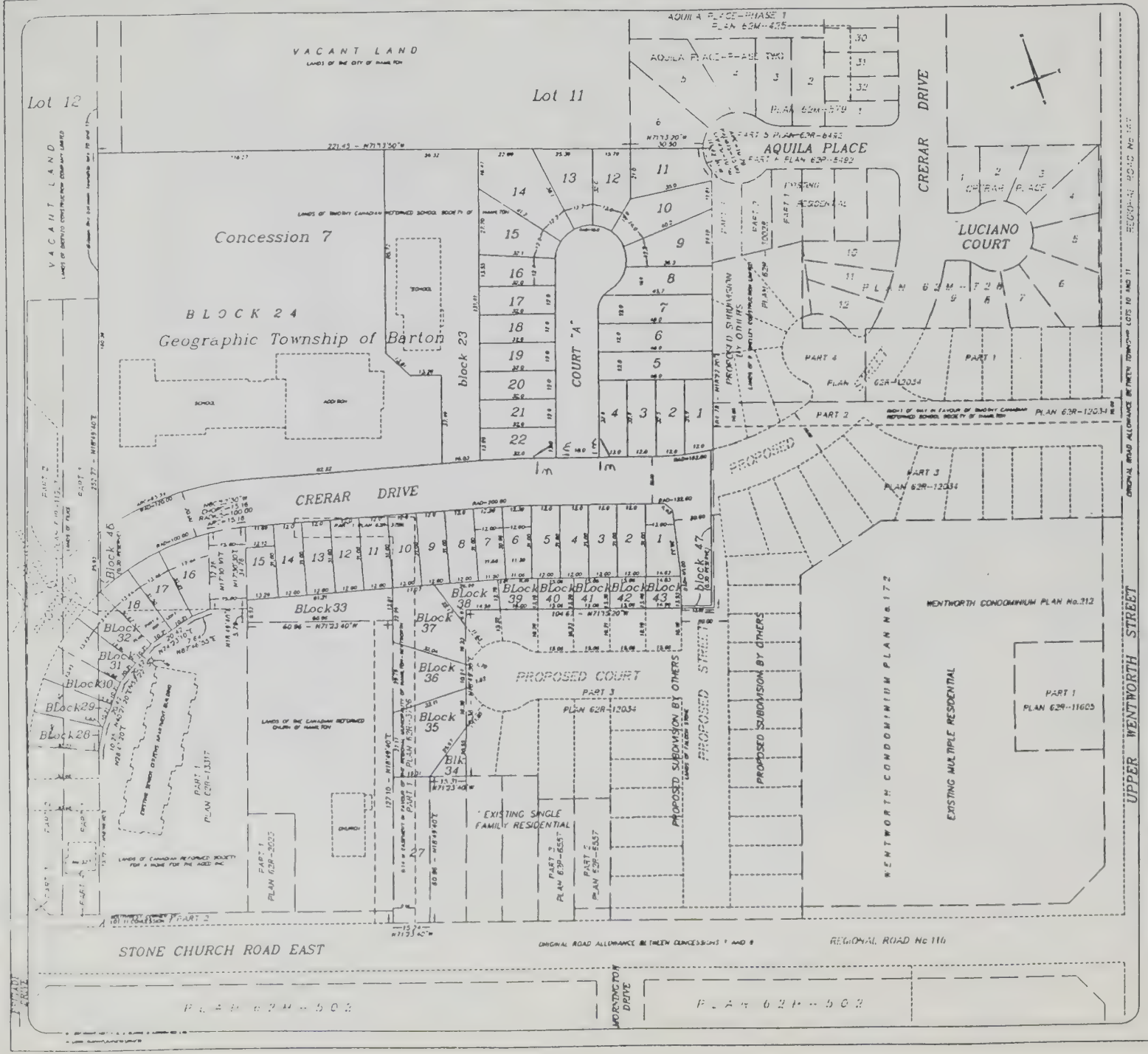
City of Hamilton

Location Map

Planning and Development Department

North	Scale	File No.
	NOT TO SCALE	25T-94001(R)
	Date	Drawn By
	November, 1997	R. L.

APPENDIX "



KEY PLAN

DRAFT PLAN OF

Timothy Survey

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 11 – CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:750

B. J. CLARKE O.L.S.
1997

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(17) THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JULY 24, 1997
DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

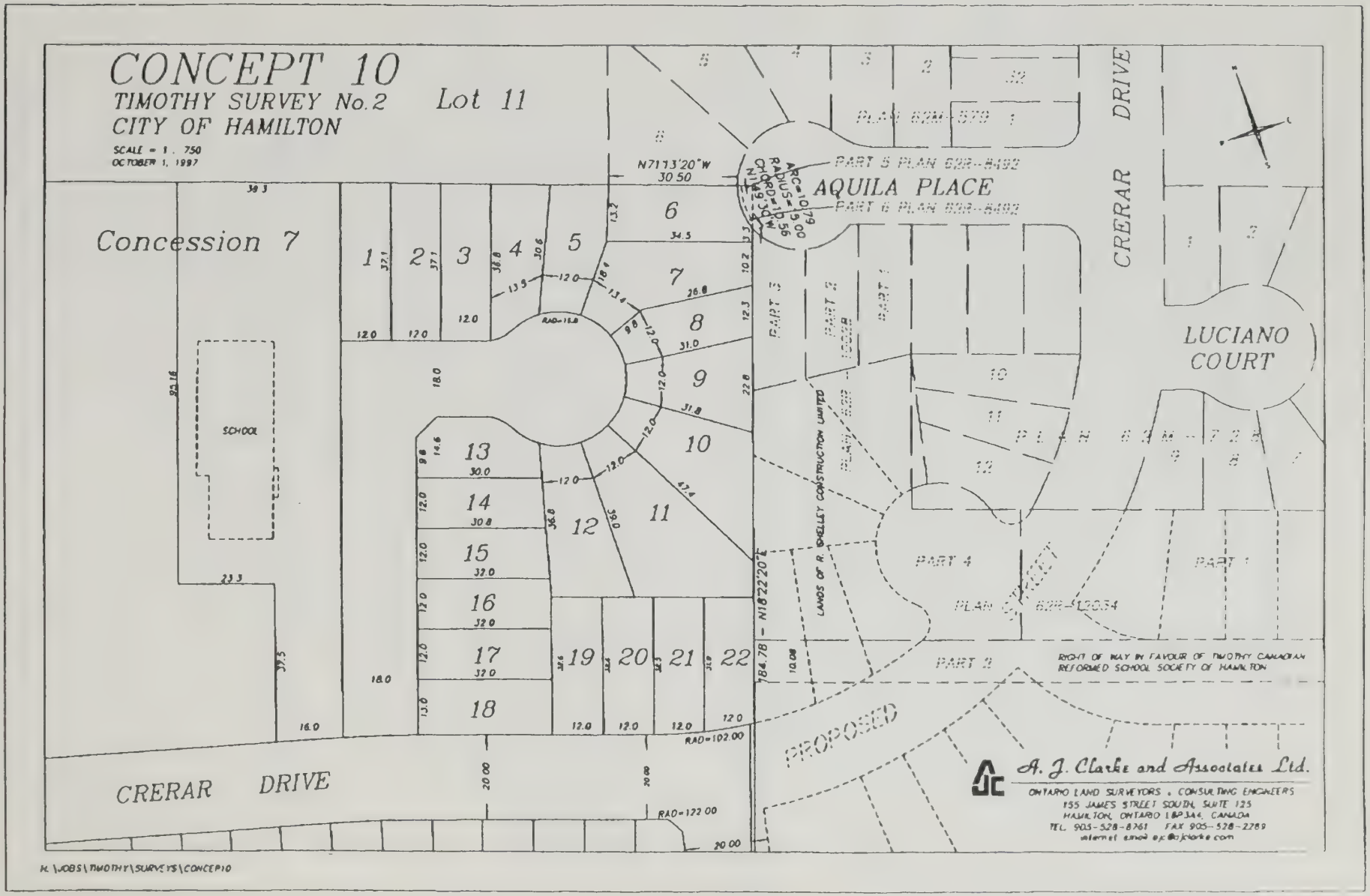
LAND USE SCHEDULE:
LOTS 1 TO 22 – SINGLE FAMILY RESIDENTIAL ("C"-ZONING)
BLOCKS 33 & 34 – EXISTING SCHOOLS

SUBDIVISION DRAFT APPROVAL:
APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS DAY OF , 1997

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No 90-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

APPENDIX "B"
Proposed Plan of Subdivision
as submitted by Applicant



APPENDIX "C"
Revised Plan as Recommended by
Regional Environment Department

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Stella Glover, Secretary,
Planning & Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: **Official Plan Amendment No. 145**
100 Beddoe Drive (Lapp Property)

DATE: 1997 October 29

Subjoined is a copy of Section 3 of the Sixteenth Report of the Planning and Development Committee for 1997 which was referred back by City Council at its meeting held 1997 October 28.

"3. That Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan,to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "C", be DENIED for the following reasons:

(a) the design of the "U" shaped building has the effect of creating a walled off community and there may be other design alternatives;

(b) there is only one access to the site;

(c) there are safety concerns given the site's proximity to the Public Works yard and Rail yard and furthermore, these uses are designated for industrial uses; and,

(d) the site is isolated from the rest of the community."

cc: V. Abraham, Director, Planning and Development Department

\sg

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 24
(OPA-LAPP)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Official Plan Amendment - 100 Beddoe Drive
(Lapp Property)

SECOND REPORT:

RECOMMENDATIONS:

A. That approval be given to Official Plan Amendment No. , Chedoke Terrace Inc., owner, for a redesignation from INDUSTRIAL to RESIDENTIAL on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan,to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as APPENDIX "A", on the following basis:

i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter ("U" shaped) building and 76 interior townhouse units;

ii) the maximum height of the townhouses shall not exceed 12.5 m and the turret feature on the community building shall not exceed 15 m;

iii) in accordance with Section A.2.1.3 iii), retail stores and services that serve the daily needs of the residents will be permitted within the perimeter building only;

iv) the lands will be subject to site plan control.

B. That upon finalization of the Official Plan Amendment, the approved Chedoke Park Neighbourhood Plan be amended by redesignating the subject lands from "Special Policy Area" to "Attached Housing".

C. That Site Plan Control By-law No. 79-275, as amended by By-law No 87-223, be further amended by adding the lands located at 100 Beddoe Drive and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council.

D. That the following conditions be imposed on the development in accordance with the Consolidated Board's decision:

i) In addition to the standard requirements of the Site Plan Control Process, the following additional requirements will be imposed:

a) a 4.5 m acoustical barrier shall be provided and maintained on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building, approximately 130 m).

b) a 1.2 to 2.0 m visual barrier shall be provided and maintained along the westerly boundary between the most northerly point of the property and end of the townhouses in the perimeter building, approximately 150 m.

c) a 3 m high acoustical barrier, approximately 20 m in length, shall be provided and maintained in the area of townhouses located within the woodlot to protect the most southerly row of townhouses and their amenity/rear yard area.

d) a 3 m high acoustical barrier, approximately in length extend southerly from the wall of the eastern most townhouse unit in the most southerly row of townhouses.

e) The Landscape Plan shall include the following details: the location, size, number and type of trees to be planted, predominantly native plant materials; a planting schedule and a maintenance statement that will require the care and replacement of stock, and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction.

f) A Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, signing,

wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted.)

g) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

h) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

i) The applicant shall consider establishing a bus stop abutting the property

ii) Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard.

	dBA		
	Rail(*)	Road(*)	Works Yard(**)
Bedrooms (2300-0700)	35	40	40
Living/Dining/Recreation Rooms (0700-2300)	40	45	45

*LEQ for indicated time period **LEQ for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing.

iii) The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard.

iv) Air conditioning shall be installed in all units.

v) The easterly four units of the south easterly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the south or south east.

vi) The westerly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the north.

vii) There shall be no windows, balconies, or amenity areas above the first floor in the end units of either the southwesterly row of townhouses or the westerly leg of the perimeter building.

viii) Balconies or other amenity areas above the first floor of the westerly unit of the southwestern row of townhouses shall not have line-of-sight to any portion of the Public Works Yard.

ix) The owner undertake a vibration study to the satisfaction of the St. Lawrence and Hudson Railway Company.

x) All of the units shall carry the following Warning Clause on all Agreements of Purchase and Sale or lease or reservation agreements and is to be registered on the title of the land:

> *"Occupants are advised that noise levels for the Public Works Yard and the Rail Yard may, at times be a concern, occasionally interfering with some activities of the dwelling occupants as the noise level may exceed the Ministry of Environment and Energy's noise guidelines."*

The clause is to be to the satisfaction of the City Solicitor and the Director of the Planning and Development Department:

xi) A visual barrier, between 1.8 and 2.0 m in height, be installed at the expense of the owner, separating the Railway Property from Studholme Road for that area opposite the subject lands. The fence shall be constructed from the eastern most terminus of the existing fence along the Railway property on the north side of Studholme Road to a point directly north of the western boundary of the subject property. The Fence shall be constructed on City lands and designed and constructed to the satisfaction of the Commissioner of Public Works and Traffic Department and the Director of the Planning and Development Department.

xii) The owner pay 50% of the cost of constructing a sidewalk on the south side of Aberdeen Avenue between Studholme Road and the existing municipal sidewalk west of Chedoke Avenue.

xiii) Studholme Road is to be constructed to an urban cross section and the method of financing be determined by the Transport and Environment Committee.

xiv) Sidewalks shall be provided, at the owners cost, on Beddoe Drive and Studholme Road adjacent to the subject property.

xv) A sidewalk shall be provided, at the owners cost, along one side of Studholme Road from the eats side of Beddoe Drive to Aberdeen Avenue.

xvi) Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment and Energy with respect to noise mitigation features for all buildings and structures.

xvii) Development shall take place only in accordance with the site plan and development permit application approved, except where special conditions are to apply.

xviii) The owner shall enter into a special servicing agreement with the Region to provide for the sanitary sewer connection form the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue. The cost of installing the sanitary sewer shall be paid for by the owner.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of October 28, 1997, City Council referred this matter back to the Planning and Development Committee for further discussion. The Committee had denied the application.

- Proposal

The proposal is to develop the site for 172 townhouse dwelling units; 148 units in the northern portion of the site and 24 units in the southern portion (see APPENDIX "B").

The **northern portion** of the site is comprised of 72 continuous three story perimeter units with rear garages in the shape of a "U" and there will be 54, two storey units within the "U". The units will be oriented towards the interior of the site. The 7 m rear yard is located between the garage and the principle building. At the corner of Beddoe Drive and Studholme Drive, there will be turreted corner building for the purposes of a condominium office, recreational facilities, and/or small tuck shop.

Within the interior of the site, there will be an open space amenity/recreation area for the resident. An internal sidewalk will be provided for pedestrian circulation.

The **southern portion** of the site would accommodate 10 bungalow units with lofts and 14, two storey units. The buildings are located within the original building envelope established by the Niagara Escarpment Commission (NEC).

From an urban design perspective, the general lot layout implements the MOEE noise criteria. The resulting "U" shaped building creates a development that is "inward facing". The front yards, amenity areas, socialization and pedestrianisation will occur within the centre of the development. As a result, the garages face the street along the perimeter of the building which creates a street/road frontage which has the appearance of a back lane.

Generally, the proposal creates a relatively sun lit residential environment. In addition, this lot configuration allows for a safe environment sheltered from traffic and unwanted noise.

- 1992 Proposal

In January 1992, City Council denied the Official Plan Amendment application for a redesignation from INDUSTRIAL to RESIDENTIAL. The proposal was to allow the development of the lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units.

The basis for the denial was that MOEE indicated the noise mitigative measures were inappropriate; the woodlot needed to be preserved; and it was contrary to the Neighbourhood Plan.

Council's decision was appealed to the Consolidated Board

In addition, the Niagara Escarpment Commission decision to deny the Development Permits was also appealed.

- Proposal approved by the Consolidated Board

In 1992, a Joint Consolidated Board hearing was held to determine the appropriate land use for the Lapp property. The decision of the Board was to approve an amendment to the Official Plan from INDUSTRIAL to RESIDENTIAL and to allow a Development Permit under the jurisdiction of the NEC for 318 units (67 townhouses and 251 apartment units), provided a number of conditions were fulfilled.

After the Board decision was rendered, the owner of the lands approached the City to seek approval to modify the development to allow for townhouse units. City Council, at its meeting of January 30, 1996, indicated that a new application was required. The Board concurred with this rationale as follows:

> "After considering your request, as well as correspondence from other parties in response to that request, the chairs of the Ontario Municipal Board and the Environmental Assessment Board have concluded that there is no authority to reopen and amend the joint board's decision.
>
> It appears that the Consolidated Hearings Act has very limited provision for the amendment of decisions made by joint boards. A joint board may rehear all or part of a matter only before issuing its decision. In addition, the establishing authority may re-establish a joint board where it believes that part of the decision

> requires clarification. Unfortunately, it appears that you are asking for a change in the decision rather than a clarification of the decision.
>
> Although we are sympathetic to your desire for a speedy determination on changes to your project it has been determined that the rehearing provisions do not apply to your situation."

As a consequence the owners of the property have submitted a new application for a redesignation from INDUSTRIAL to RESIDENTIAL in the Official Plan for 172 townhouses.

LOT SIZE AND AREA:

The subject lands have:

- 171.9 m (264 ft.) of frontage on Studholme Road;
- 305.6 m (1,002.5 ft.) along Beddoe Drive; and,
- 5.5 ha (13.5 ac.) of lot area.

OWNER AND APPLICANT:

Chedoke Terrace Inc., owner.
BDO Dunwoody, applicant.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	Development Control (NEC)
Surrounding Lands		
to the north	Rail yard	"K" (Heavy Industrial, etc) District
to the east and south	Golf Course	Development Control (NEC)
to the west	Public Works Yard	Development Control

***OFFICIAL PLAN*:**

The subject lands are designated INDUSTRIAL on Schedule "A" - Land Use Concept. Residential uses are not permitted within an INDUSTRIAL designation. Therefore, an amendment is required to redesignate the subject lands to RESIDENTIAL.

Given the special nature of the site, it would be appropriate to establish a Special Policy Area to define the specific type of residential uses to be permitted on the site and to establish special conditions (i.e site plan control).

NEIGHBOURHOOD PLAN:

The subject lands are designated "Special Policy Area" in the Chedoke Park Neighbourhood plan. The permitted uses include: non-retail commercial, light industrial, non-residential institutional, recreational uses or combinations thereof. The residential use would not be permitted. Accordingly an amendment to the Neighbourhood Plan would be required to redesignate the lands to "Attached Housing".

For the information of the Committee, this Neighbourhood Plan was done specifically because of the Lapp development proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Public Works and Traffic Department (Public Works Division) has advised that:

  "1. The Public Works Yard has been in place at this location for many years. This type of facility generates noise at all times of day and night, on weekdays and weekends - particularly during the winter months when the operation can often be on a twenty-four (24) hour basis. Accordingly, we request that a clause be placed on title to these lands warning potential owners that noise, odours and dust will be generated by the Public Works Yard adjacent to their site.

  2. Any roadway improvements required adjacent to this site should be made at the expense of the developer.

  3. Along the boundary between this site and the Public Works Yard, fencing is proposed. The portion of that fencing which is proposed on the O.P.A. plan to be chain link should be a solid fence to provide a visual barrier between this development and our yard. In addition, appropriate landscaping should be required as a buffer to help mitigate the visual, noise and dust problems from the works yard."

- The Department of Public Works and Traffic (Traffic Division) has advised that:

  "In response to your memorandum dated 1997 August 19, we offer the following comments on the "Refined Development Concept" document prepared by Fothergill Planning and Development

Inc.

Overall, the proposed design appears to be acceptable. From the point of view of traffic impacts, this proposal represents approximately a 50 percent reduction in traffic generation as compared to the previously board-approved development concept. Trip generation (based on trip generation information published by the Institute of Transportation Engineers) during the AM peak hour has been reduced from 155 trips to 78 trips while the PM peak hour trips have been reduced from 194 to 97.

With respect to the specific site plans included with this submission, the applicants should be made aware of the following preliminary comments:

1. We do not agree with the proposed driveway design for the individual accesses to Beddoe Drive or Studholme Road.

2. The planting of trees adjacent to the above driveways should not occur within the road allowance as proposed. The majority of these trees should be relocated onto private property.

3. Any works to be carried out off-site as a condition of approval for this proposal should be identified."

- The Culture and Recreation Department has advised that:

"With regards to this proposed development, we can report that both Ryerson Recreation Centre and Dalewood Recreation Centre would be the two closest public recreation facilities.

In both cases, the Centres have the capacity to meet additional demands that would be generated from the new residents of this development.

Coronation Arena, similarly, serves as the local hockey centre through the Coronation Minor Hockey Association. It, too, has space for additional players.

The proximity of Chedoke Civic Golf Course/Ski Hill and the Radial Trail provides additional outdoor recreation opportunities.

I note, however, that there exists few local parks, with Beulah Park being the closest. Consideration should be given to an onside park where play structure equipment would provide an important recreation service for younger children.

- The Regional Environment Department (Development Division) has reviewed the application and has advised that:

"We will require that the applicant/owner submit a detailed storm water management report which will address the impacts of development of the subject lands on adjacent lands, the existing infrastructure and any downstream watercourse. The report must be prepared by a Professional

Engineer and must identify storm water management measures that are to be utilized in order to mitigate any negative impacts required as a result of this development. The results of this study may result in changes to the proposed site plan submitted.

There are no sanitary sewer adjacent to the subject lands and the block of land for the 24 townhouses to the south. A connection to the sanitary sewer system is available at the intersection of Aberdeen Avenue and MacDonald Avenue. This sanitary sewer connection will require a Special Servicing Agreement with the Region and the applicant/owner will be responsible for all costs in bringing the sanitary sewer connection from the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue.

The Regional Transportation Department, Roads Division have the following comments.

We have reviewed the Official Plan Amendment for Lapp Lands and the preliminary site plan submitted on the basis that the maximum number of residential units as noted in the OPA application has been reduced from 318 residential units to 172 residential units. The following comments are based on the preliminary site plans submitted:

1. In accordance with the requirements of the OMB decision, we understand that the subject lands will be developed through site plan control with the City of Hamilton and Development Permit Control with the Niagara Escarpment Commission. We will provide specific details on grading, access, landscaping etc at such time as these plans are submitted for our review and comment.

   With respect to the preliminary site and landscape plans submitted, we have reviewed them based on the fact that the setback of the townhouse garages from the Beddoe Drive road allowance and Studholme Drive road allowance is 6.0m. Further, we understand that the minimum building setback of Unit 148 from the Beddoe Drive road allowance is 4.5m. We also recommend that any fencing or landscaping adjacent to the accesses and the road allowances be positioned such that motorists exiting the site from either Studholme Drive or Beddoe Drive have adequate sight visibility. According to our records, the existing pavement on Beddoe Drive is approximately 2.1 m from the west road allowance limits which results in critical motorist sight lines looking to the north and south. As a result, we recommend that any trees or landscape features be placed on private property only between the individual driveway of the townhouse units and that these trees be setback a minimum of 2.5m from the Beddoe Drive road allowance limits. Any vegetation or landscaping within the road allowance and for the first 2.5m on private property should not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Beddoe Drive. We also recommend that specific requirements be introduced in the Zoning or NEC regulations to ensure that fences be required to be setback a minimum of 5.0m from the Beddoe Drive and Studholme Drive road allowance limits, adjacent to the driveways to ensure that motorists entering the municipal sidewalk areas have sufficient visibility, etc. We also recommend that the proposed street trees on Studholme Road be relocated to private property, between the proposed driveways and that the trees be set back a minimum of 2.5m from the Studholme Road road allowance limits.

2. The construction of sidewalks on either Beddoe Drive or Studholme Road will be dealt with through the provisions of the Local Improvement Act. Since this development will likely generate pedestrian traffic on the south side of Aberdeen Avenue, east of Studholme Road, we understand that the City of Hamilton Department of Public Works and Traffic will require that as a condition of development/site plan approval that the owner contribute 50% share of the cost of construction of a sidewalk on the south side of Aberdeen Avenue from Studholme Road to the existing municipal sidewalk west of Chedoke Avenue. This construction work will require the relocation of the retaining wall adjacent to the Golf Course which appears to be located within the Aberdeen Avenue road allowance.

3. The preliminary site plan also indicates that a cul-de-sac bulb will be constructed on Studholme Road at the west end of this development. As Studholme Road is open as a public highway west of this property and as Studholme Road provides public highway access to a public golf driving range and access to the City of Hamilton Department of Public Works and Traffic Works Yard, we require that the cul-de-sac configuration be removed from Studholme Road and that the roadway remain clear of curbs and fences, etc.

4. According to our records, the proposed development includes the construction of a parking area and internal road over an existing sewer/drainage easement shown as Part 2 on Reference Plan 62R-6546 and the status of this easement, etc. should be determined.

5. We require 5m by 5m visibility triangles between the main accesses to Studholme Drive and Beddoe Drive and the road allowance limits and a 9m by 9m visibility triangle at the intersection of Studholme Road and Beddoe Drive in which the maximum height of any object or mature vegetation (excluding existing trees) cannot exceed a height of 0.60m above the corresponding perpendicular centreline elevation of the adjacent street. All the entry features must also conform to these sight line requirements.

6. The plans submitted by the applicant indicate a proposed curb and gutter cross section and sidewalks on Studholme Road and proposed sidewalks on Beddoe Drive, adjacent to this development. This proposal is in keeping with the proposed urban design currently being proposed on these lands and facilitates the vehicle traffic and pedestrian activity generated as a result of this development. Further, the proposed curb and gutter on both sides of Studholme Road from Beddoe Drive to the west end of this development is required to provide differentiation between the numerous street townhouse type accesses on the southside. Due to the number of accesses, it is then desirable to provide the sidewalk on the northside of this section of Studholme Road.

Based on the above and the fact that the applicant/owner has shown these works on the proposed site plan, we recommend that as a condition of development approval, these works be constructed and the method of financing be determined by the City of Hamilton Transport and Environment Committee."

- The Regional Environment Department (Planning Division) has advised that:

  REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and Niagara Escarpment Plan "Urban Area", in the Hamilton-Wentworth Official Plan (H.W.O.P.). The proposed development would not conflict with the intent of the H.W.O.P., and would coincide with the intensification objectives of the H.W.O.P.

  It is noted that this revised proposal reduces the overall number of units to be constructed, from that which was approved by the Joint Board in 1993 as a result of a Joint Consolidated Board Hearing. The H.W.O.P. supports a "compact higher density urban form". While the unit reduction does not conflict with the H.W.O.P., it may have been more desirable to keep the density as high as possible. However, the desire for higher densities in this case may be offset by potential traffic/road capacity difficulties associated with access onto Aberdeen Avenue.

  Therefore, on the basis of the history of this revised proposal, and the conditional approval by the Joint Board of the previous application, this revised proposal does not conflict with the intent of the H.W.O.P.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided the conditions of the affected Ministries as approved by The Joint Board, with respect to the previous proposal, are appropriately incorporated in this revised proposal."

- The Public Library has no concerns regarding the delivery of library service.

- The Niagara Escarpment Commission have the following comments:

  "The subject lands are designated "Urban Area" in the Niagara Escarpment Plan and are within the Niagara Escarpment Development Control Area. Permitted uses in this designation may be established in a local official plan, subject to the Development Objectives of the designation.

  This application follows a Joint Board decision for a previous Official Plan Amendment and Development Permit Application which approved a residential development of a greater density than what is presently proposed. A new Development Permit Application, N.E.C. File W/R/96-97/86 has also been applied for in relation to this project and is being processed concurrently.

  Given that this proposal is less intensive a development and conforms to all of the Urban Area Development Objectives (previous issues such as building heights and mass and associated visual impacts, and tree preservation addressed by the Commission in the original application are either equal or reduced in impact with this proposal) staff has no objection to the proposed amendment.

  Final site plan and design issues can be dealt with in the Development Permit Application."

- The Hamilton-Wentworth Roman Catholic Separate School Board has advised that:

"The Administration does not have any objections or modifications to the proposal. The following information is provided in order to assist you in reviewing the proposal:

School St. Joseph
Grade ECE - 8
Capacity 746
Portables 0
Enrolment 370

The School Board has advised that children would attend St. Mary's high school which is at capacity. However, all of the high schools are at capacity in the area. Portables are or will be required"

- The Hamilton Board of Education has advised that:

"The following schools are within the school attendance area for this address:

JK - Grade 5 - Earl Kitchener
Grade 6, 7, 8 - Ryerson
Grade 9 - O.A.C.- Westdale

The proposed plan appears to have limited impact on enrolment.

I should note that the schools in this attendance area are dual track French Immersion. We currently have portable classrooms at Ryerson and Earl Kitchener is close to full capacity. The room for portable classes at these schools is limited."

- The Ministry of Environment and Energy has advised that:

"The "noise issues" are contained under Tab 3, Environmental Noise Control, prepared by Valcoustics, dated July 24, 1997. Having reviewed the Valcoustics report, I am satisfied with the proposal and have no comments.

From letter dated May 7, 1997 - Based on the submission, we are satisfied that the "noise" conditions of the current OPA are consistent with the original conditions imposed by the Board. Furthermore, we assume that the three issues identified by the bullets in our January 16, 1996 memo will be addressed at the Site Plan stage."

- CP Rail has advised that:

"The "Conditions of Approval" mentioned in Schedule "B" of the 1993 OMB Decision continue to be imposed on the development.

Accordingly, St Lawrence & Hudson strongly opposes any residential developments adjacent to their corridors.

Notwithstanding this position, should the City allow this development to proceed, and as per the OMB conditions there are a number of St L&H concerns which we would like to have readdressed in order to minimize future community problems.

a) A clause should be inserted in all offers of sale and purchase or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.

b) Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivisions and to recommend mitigation measures if required. The recommendations of the study are to be implemented.

c) Setback of dwellings from the railway right-of-way to be a minimum of 30 metres. While no dwelling should be closer to the right-of-way than the specified setback, an unoccupied building, such as a garage, may be built closer. Any opening between these garages will be closed with a durable material weighing not less than 20 kg. per square metre (4 lb./sq.ft.) of surface area.

d) Ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwelling within 75 metres of the nearest track should be protected. The measures employed may be:

   i) Support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12 Hz.

   ii) Insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or

   iii) Other suitable measures that will retain their effectiveness over time.

e) A clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

f) Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.

g) Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement."

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved, an Official Plan Amendment is required to redesignate the subject lands from INDUSTRIAL to RESIDENTIAL and to create a "Special Policy Area" to incorporate special provisions.

2. The proposal, if approved, would require an amendment to the approved Chedoke Neighbourhood Plan from "Special Policy Area" to "Attached Housing". The density is approximately 13 units per acre which is consistent with the "Attached Housing" designation.

3. The proposal has merit and can be supported for the following reasons:

Positive aspects

i) it provides for the adaptive reuse of an existing former industrial site;

ii) it is located in close proximity to services such as public transit route, shopping, public transit, highway access, etc;

iii) it implements the philosophy of sustainable development and housing intensification which is to encourage additional development in areas that are presently serviced and developed.

Potential Negative Aspects

i) the site is located in close proximity to the Public Works yard and the railway yard which are identified as noise sources. However, the proposal satisfies the concerns of the MOEE with respect to noise levels.

The Consolidated Board approved the site for residential development (318 units) in 1993.

5. The neighbourhood residents raised concerns about the development. These concerns are summarized below:

Traffic

The trip generation from the 172 units is approximately a 50% reduction from the "Board approved Plan", as identified in the Traffic Division's comments. Trip generation (based on trip generation information published by the Institute of Transportation Engineers) during the AM peak hour has been reduced from 155 trips to 78 trips while the PM peak hour trips have been reduced from 194 to 97.

Schools

The Hamilton Board of Education have indicated the existing elementary and middle school are close to existing full capacity; however, they indicate the *"proposed plan appears to have limited impact on enrolment"*.

There is ample capacity at the Hamilton-Wentworth Roman Catholic School Board at the elementary school. The capacity at all the area high schools is at capacity.

Recreational Facilities

The recreational facilities have capacity in the area to accommodate any new residents. These facilities include the recreation centres, arena, library. In addition, there are other recreational opportunities offered by the golf course and the ski hill.

With respect to a play structure, the proposed development includes an area which is intended to include a pool and other amenity features such as a play structure.

Pedestrianisation

One of the concerns was the safety of pedestrians along Studholme Road, the owner has agreed he is willing to pay for a sidewalk between the development and Aberdeen Avenue. This point has been included as a condition of approval.

Noise

The site is located in close proximity to two noise sources: the Public Works yard and the railway yard. The design of the units, the configuration of the buildings and noise attenuation measures have been provided in accordance with the MOEE guidelines. In addition, warning clauses will be required for all offers to purchase of sale and lease and reservation agreements indicating that the railway and Public Works Yard are noise sources.

5. It is proposed to amend Site Plan Control By-law to include this site. Matters such as landscaping, parking, access, grading, amenity areas can be ore closely examined. As part of the regular site plan control process, the City requires the owner to submit grading plans, landscape plans, elevations, etc. for review and approval. Many of the conditions outlined in the original Board order included these plans. As a result it is not necessary to include these as conditions. However, there are other elements within the conditions that site plan control does not deal with specifically. In this regard, part of the approval of the site plan will include a storm water management plan, tree preservation plan, erosion and sediment control plan as well as some details with respect to landscaping.

   It should be noted that any site plan control application will be circulated to the Niagara Escarpment Commission for their approval.

6. Appendix "C" includes the original 30 conditions of the Board order and brief explanation as to their applicability. It should be noted that some of the conditions relate specifically to the Development Permit and in this regard, are **not** the jurisdiction of the City.

7. With respect to the Railway's conditions, Regional Environment and Regional Transportation Departments' and Traffic Division's comments, their points have been incorporated into the recommendation.

CONCLUSION:

Based on the foregoing, the application can be supported.

JHE:fd
c:opa\lapp\P&Drep.nov



Changes to the Hamilton Official Plan

1. Schedule "A" - Land Use Concept of the Official Plan: Redesignate from "Industrial" to "Residential".
2. Schedule "B" - Special Policy Areas: Add as a new Special Policy Area.

APPENDIX "B"

All drawings are the property of the Architect and must be returned upon request
Contractor shall check all dimensions and report any discrepancies to the Architect before proceeding with the work
DO NOT SCALE DRAWINGS
CHEDOKE INC.
CHEDOKE TERRACE
CONDOMINIUM TOWNHOMES
HAMILTON, ONTARIO
LANDSCAPE PLAN
ALTERNATIVE 10
L-1
STUDHOLME ROAD
BEDDOE DRIVE
BEDDOE DRIVE

APPENDIX "C"

SCHEDULE B

CONDITIONS OF APPROVAL FROM THE CONSOLIDATED BOARD

Identified below are 30 conditions the Consolidated Board imposed on the residential development (211 apartment units in a "U" shaped building and 107 townhouse units). The bold writing is an explanation of how each of these conditions relates to the new proposal.

1. The maximum height of the apartment building along Studholme Road and Beddoe Drive shall be 15.6 m (51 feet). The maximum height of the apartment building adjacent to the Public Works Yard shall be 18 m (59 feet). This height is to be measured from the ground level at the inside face of the apartment building.

   The height of the building has changed. The townhouse units will have a maximum height of 12.5 m and the community building, including the turret feature will be 15 m. The new height restriction will be included in the Official Plan Amendment.

2. Townhouse units on the eastern 80 m of the site except the most southerly row, with windows exposed to the Rail Yard, shall be air-conditioned.

   All units will be air conditioned. A new clause will be added.

3. The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard: this implies 5 mm double glazed, operable, sealed units.

   This clause will be modified to delete the type of windows since other construction materials will be used to achieve the same goal.

4. The rear yards of units along the eastern boundary shall be shielded by a 3 m barrier between units, where the driveways enter, using a combination of berm and fence. the rear yards of the units backing or flanking onto the Public Works Yard should be shielded by a 4.5 m noise barrier.

   The wording of this clause will be modified and included in the recommendation.

5. All of the units shall carry a Warning Clause on all Agreements of Purchase and Sale, indicating the presence of the Rail Yard and the excess above the MOE Guidelines. All residential units within 50 m of the Public Works Yard shall carry a similar Warning on all Agreements of Purchase and Sale covering that facility. United Lands undertakes to

the Board in writing to insert in every offer of purchase and sale a clause as shown below and to register at its expense each such offer of purchase and sale on title.

> Occupants are advised that noise levels from the Public Works Yard and CP Rail's Aberdeen Yard may, at times, be of concern, occasionally interfering with some activities of the dwelling occupants as the noise level exceeds the Municipality's and the Ministry of the Environment's noise criteria.

All dwelling units in this proposed development shall be provided with the following warning clause:

> Occupants are advised that noise levels from the CP Rail's Aberdeen Yard may, at times, be of concern, occasionally interfering with some activities of the dwelling occupants as the noise level exceeds the Municipality's and the Ministry of the Environment's noise criteria.

Clause to be modified to reflect more current wording from the Rail Company and to reflect the name change of the Railway and the Developer.

6. Air conditioning shall be installed for the top floor of the east (Beddoe) leg of the apartment building.

This clause will be reworded to identify those units where air conditioning will be required.

7. The easterly four units (at location R1) of the southeast row of the townhouses shall be single aspect with any windows above the first floor pointing only toward the south or southeast.

This clause will be included in the recommendation.

8. The westerly row of townhouses in the southwest corner of the site shall be single aspect above the first floor with windows above the first floor facing only northeast.

This clause will be included in the recommendation.

9. In addition to the barrier noted in the latest noise report as 3 m height between R1 and the rail yard, there shall also be a 3 m high barrier running southeast from the rear of the townhouse in the southeast corner of the site (this barrier is shown but not labelled in Figure 4 of that report).

This clause will be deleted and reworded to include a 4.5 m acoustical on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building.

10. Air-conditioning shall be installed in all townhouses south of the easterly access road off Beddoe Avenue to the site.

This clause will be deleted and incorporated into a new clause which will have all units air conditioned.

11. The standard warning clause of CP Rail shall be added to all purchase, sale and lease agreements on the site as well as on title.

Clause to be modified to reflect more current wording from the Rail Company and to reflect the name change of the Railway and the Developer.

12. There shall be no windows above the first floor in the end units of either the southwesterly row of townhouses or the western leg of the apartment building.

This clause will be included in the recommendation.

13. Balconies or other amenity areas above the first floor on the southern end of the westerly leg of the apartment building, as well as the windows above the first floor of the northwesterly unit of the southwestern row of townhouses, shall not have line-of-sight to any portion of the City Works Yard.

The wording of the clause will be modified and included in the recommendation.

14. Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard.

	dBA			
	Rail(*)	Road(*)	Works	Yard(**)
Bedrooms (2300-0700)		35	40	40
Living/Dining/Recreation Rooms (0700-2300)		40	45	45

*LEQ for indicated time period **LEQ for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing.

This clause will be included in the recommendation in its entirety.

15. Prior to the issuance of a building permit, the applicant must enter into a site plan agreement with the City of Hamilton.

This clause is redundant since the Site Plan Control By-law would be amended to include these lands. It is the City's practice to have all Site Plan Agreements registered on the title of the land.

16. The approved site plan must be registered on title and include the following provisions:

(a) Unless provided for by the Development Charges Act, that the developer shall pay his share of the cost of the sidewalk to be constructed along one side of Studholme Road from the east side of Beddoe Drive to Aberdeen Avenue.

(b) Unless provided for by the Development Charges Act, a 2.4 m high screen fence be installed at the expense of the developer separating CP Rail's property from Studholme Road for that area opposite the subject property. The fence shall be constructed from the eastern terminus of the existing fence along the CP property on the north side of Studholme Road to a point directly north of the western boundary of the subject property. The fence will then be constructed with a gate across the Studholme Road allowance to connect with the existing fence at the northwest corner of the subject property.

(c) Consistent with the recommendations of the acousticians, the above barrier shall be constructed in such a manner that it restricts or prohibits a view of the railway yard and the activities therein at the street level.

As mentioned above, the site plan agreements are automatically registered on the title of the land. With respect to the subclauses, clause a) will be included in the approval. Clause b) will be reworded since the Public Works Department has advised they do not want a fence extending across Studholme Road since it will cut off access to the Chedoke Driving Range. In addition, their property is already fenced. In addition, the height of the fence can not exceed 2.0 m., in accordance with the Zoning By-law. Clause c) can be reworded to ensure the fence is a visual barrier. The City defines a visual barrier as a closed board fence. These type of fences are used in situation were screening is required. The fence will be located on the City's land since it is expected the City would maintain it.

17. The site plan agreement to be entered into with the City of Hamilton shall contain the following provision:

(a) dwellings shall be set back to a minimum distance of 30 m from the property line of the CP Rail Yard;

(b) there shall be no increase or change in the direction of natural drainage affecting CP Rail property without first obtaining the written consent of CP Rail:

(c) any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the railway's standard agreement;

(d) a maximum of 27 townhouses shall be permitted within the woodlot as shown on Appendix B of Ext. 42.

Clause a) will be reworded to be more specific by indicating that a garage or unoccupied building can be closer that 30 m to the railway. The railway, in their comments, have indicated what the appropriate setback requirement is. Clauses b) and c) will be included as conditions. Clause d) has been incorporated into the Official Plan Amendment.

18. Non-fulfilment or breach of any one of these conditions shall render the Development Permit null and void.

This clause is the responsibility of the Niagara Escarpment Commission.

19. No building permit or other licence, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless a Development Permit is in effect.

This clause is the responsibility of the Niagara Escarpment Commission.

20. The Development Permit shall expire five (5) years from its date of issuance unless the development has commenced and valid building permits issued within the five (5) years for all phases of this development are in effect.

This clause is the responsibility of the Niagara Escarpment Commission.

21. Development shall take place only in accordance with the site plan and development permit application approved (except where special conditions are to apply as noted below).

This clause will be included in the recommendation in its entirety.

22. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed. The Board recommends that for major trees, species native to the area, e.g. cedar, maple, beech, ash, birch and pine, should be used rather than exotic species.

This clause is redundant since the Site Plan Agreement requires plantings, etc to be implemented within one year of the construction being completed.

23. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton, the Ministry of the Environment, and the Niagara Escarpment Commission final building elevations for all buildings and structures that shall include: (a) height measurements consistent with the approved proposal; (b) identification of exterior building materials.

This clause is redundant since the site plan control process deals with the above points.

24. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton, the Ministry of the Environment, and the Niagara Escarpment Commission final Site Plans that shall include at the minimum the following details: the approved location of the proposed structure(s) on the property showing distance setbacks to all property lines, the location of any natural features, i.e., streams, slopes, woodlots and the distance of the development to those features and the location of proposed limit of work fences or erosion control measures.

This clause is redundant since the site plan control process deals with the above points.

25. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval for the City of Hamilton and the Niagara Escarpment Commission a Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted.)

This clause will be modified to improve on the wording but it will maintain the intent of the clause.

26. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton and the Niagara Escarpment Commission Grading Plans that shall include: both exiting and proposed grades, areas where there is to be no disturbance of grade, the location of limit of work fencing and the location and type of erosion control measures.

As part of site plan approval, grading plans are required to be submitted. However, a condition will be put in to specifically identify the areas of no disturbance and the appropriate erosion control measures.

27. Prior to the issuance of Development Permit by the Niagara Escarpment Commission the applicant shall submit for the approval of the City of Hamilton and the Niagara Escarpment Commission and Landscape Plan that shall include the following details: the location, size, number and type of trees to be planted, a planting schedule and a maintenance statement that will require the care and replacement of stock, and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction. The Plan shall provide for screening of all major buildings and structures from exposed public viewing areas.

This clause will be included in the recommendation with the exception of the last sentence. The proposed townhouse development is considerably different than the apartment building and the planting materials will be accommodated in a smaller space.

28. Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment with respect to noise mitigation features for all buildings and structures.

This clause will be included in the recommendation.

29. This Decision shall become null and void if a Development Permit is not issued within five (5) years from date of approval.

This clause is the responsibility of the Niagara Escarpment Commission.

30. The applicant shall consider establishing a bus stop on the property at the time of the preparation of the Site Plan in discussions with the Hamilton Street Railway.

This clause will be included in the recommendation.

7 Beulah Avenue
Hamilton, Ontario
L8P 4C-8

October 15th, 1997

2 (a)

Alderwoman Mary Kiss.
City Hall
Main West
Hamilton, Ontario

Alderwoman Mary Kiss:

I am opposed to a residential development on the Rapp Property for the following reasons:

1. Part of a beautiful golf course would be taken away
2. Healthy trees would have to be removed and trees are needed to help with environmental protection
3. Safety and security of the people in the development is a concern as the development would be isolated
4. You have to take into consyderation that if there were families with children they would have to get to school it would put a burden on our area schools that are already full. It would also create a burden on our taxpayers as the children would have to be transported to school.
5. An increase in traffic would occur as people who have cars would have to come in and out of the development which would create a dangerous situation that would cause accidents.
6. There would have to be additional traffic lights installed to enable people to come in and out of the development and this would create confusion for the drivers especially the ones coming off the 403
7. As the winter traffic would increase with the snowploughs going in and out to clear the snow from the development
8. Roads and sewers would have to be expanded to provide services for the residents. This would be

a major expense to the taxpayers of our community. Our main sewer system is old and in need of major repair.

9 Animals in the area would be displaced into the surrounding neighborhood which would create problems for the residents.

10. Proper lighting would have to be put in. This would be another burden on the taxpayers

11. Garbage trucks would have to go in and out weekly to pick up waste.

12. Proper bus service would have to be provided for the residents who live there.

13 There would be noise from the trains that come to pick up and deposit freight.

14. If a play area is provided for the children, you have to take into consideration, the children will find a way to play on the golf course which would be dangerous, especially during the season where people play golf.

15 Police protection would have to be provided for the people in the development which would be another burden for the taxpayers.

For the above reasons I am opposed to having a development on the Rapp property.

Sincerely

Linda Pearson

Please forward cc to appropriate people

2(b)

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
Dale Brown	39 Flatt Ave	Dale Brown
~~Danielle Lawchuk~~	39 Flatt Ave	~~Danielle Lawchuk~~
Wanda Crouse	128 Cheddle	W. Crouse
Bill Bullock	"	Bullock
Wayne Lawchuk	39 Flatt Ave	W Lawchuk
Annette Aquin	28 Flatt Ave	A. Aquin
Helmut Spass	14 Miles Ct	
Wendy Morrison	14 Miles Ct	
Anne Foerster	25 Cheddle Ave	Anne Foerster
Mike Mckenzy	84 Amelia	M. McKENZY

Rec'd 1997 Oct. 28

App'd by Committee

App'd by Council

October, 1997

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE

October, 1997

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
P. HINDRICKS	242 HILLCREST AVE	
	203 HILLCREST	
M. J. "	"	
David Fletcher	147 Cherokee Ave.	

October, 1997

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
JAMES NEWMAN	71 CHEDOKE AVE 525-9384	James Newman
Iris Pearson	76 Chedoke Ave 525 0892	Iris Pearson
R Pierce	95 Chedoke Ave 522-5757	
David Gill	72 Chedoke Ave.	
	56 Chedoke Ave	
Catherine Ruys	52 Chedoke Ave. 522-5610	Catherine Ruys
Charles + Ruth Stacy	5 Chedoke Ave	
L. Lylak	37 Chedoke Ave. Hamilton	
D Cameron	51 Chedoke Ave, Hamilton.	
D Kabelitz	55 Chedoke Ave, Hamilton	
R Hales	67 Chedoke Ave "	

October, 1997

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
JACQUELINE WINTERS	549 ABERDEEN AVE	
JANICE ORMOND.	541 ABERDEEN AVE.	
DAN ORMOND	541 ABERDEEN AVE.	
Theresa Markelbagan	555 Aberdeen Ave.	

WE, THE UNDERSIGNED, OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
Maureen Curran	407 Dundurn St. 528-3659	M Curran
B. Ford	23 Hyde Park	B Ford
[illegible]	[illegible]	[illegible]
[illegible]	153 Dundurn St.	J. Harty.
[illegible]	203 Homewood	RICHARD TAIT
B Wintemute	95 Flatt Ave	Beverley Wintemute
K Park	394 Dundurn	K Park
Kathy Cole	394 Dundurn St S	K. Cole
Jim Cole	394 Dundurn St	Jim Cole
Phyllis Baker	346½ Dundurn St S	
Wallace Baker	346½ Dundurn St S.	
Gary Stuart Cooper	23 Flatt Ave.	Stuart Cooper
Carla Powell	16 Miles Ct. L8J 4G6	
Edith Friday	394 Dundurn St S L8P 4K9	
Alberta Adams	394 Dundurn St S L8P 4K9	
October, 1997 JOHN & MARGARET DROUGHAN	42 BEULAH AVE	527 7916

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
Harrison Arnold	150 Cheddoke Ave	[signature]
[illegible]	127 Cheddoke Ave	526-6535
David Jackson	127 Cheddoke Ave	526-6535

October, 1997

WE, THE UNDERSIGNED,OPPOSE THE CURRENT PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF THE LAPP PROPERTY.

NAME	ADDRESS/PHONE	SIGNATURE
IAN BARNES	551 ABERDEEN AVE	
C. BARNES	551 ABERDEEN AVE	C. Barnes.
ROB MONKELBAAN	555 ABERDEEN AVE.	
MICHELLE AITKEN	557 ABERDEEN AVE.	
MARIA KONIG	" "	
CHRIS AITKEN	" "	
HENNIE AITKEN	MAIN ST. N.	
LARRY McGARR	55[illegible] ABERDEEN	
Hoyle Ted	561 Aberdeen Ave	
Muriel Pierson	45 Lynwood Ave. L8P 4P4	
Cornel Konig	42 Hyde Park Ave. L8P 4M5	C. Konig
Marg Foley	550 Aberdeen Ave L8P 259.	
Beverly Rayner	554 Aberdeen Ave L8P-259	
Bradley Rayner	554 Aberdeen Ave L8P-259	
	549 Aberdeen Ave L8P-2[illegible]	

October, 1997

3.

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 November 28

REPORT TO: Mrs. Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. J. Schatz
City Clerk

SUBJECT: Sub-Committees of the Planning and Development Committee

BACKGROUND:

For the 1995-1997 term of City Council, the following Sub-Committees of the Planning and Development Committee were in existence:

Beach Neighbourhood Plan Implementation Committee
BIA and Business Co-Ordinating Committee
Central Area Plan Implementation Committee
CN Station Citizens Advisory Committee
Hamilton Harbour Land Use Planning Sub-Committee
Local Architectural Conservation Advisory Committee

The Planning and Development Committee should make a determination on its Sub-Committees at this time and recommend the appropriate Aldermanic appointments as required.

For the Committee's information, the mandate and composition of the above-noted Sub-Committees is as follows:

a) **Beach Neighbourhood Plan Implementation Committee**

A task-oriented group to advise on the implementation of the policies and actions in the Beach Neighbourhood Plan as adopted by City Council on 1992 July 28.

Ward 4 and 5 Aldermen
5 Beach Neighbourhood residents
Various Resource Persons

b) **BIA and Business Co-Ordinating Committee**

Facilitates the implementation of the Downtown Action Plan, Commercial Improvement Programme and other City of Hamilton streetscaping initiatives and provides a forum for the City of Hamilton's Business Improvement Areas.

1 Member of City Council
Representatives from the seven Business Improvement Areas
Staff

c) **Central Area Plan Implementation Committee**

Advises the Planning and Development Committee on planning matters relating to the Central Area including the Central Area Plan (bounded by Queen Street, Victoria Avenue, the escarpment and the bay), strategies for implementing the policies of the Central Area Plan, acting as a sounding board for development proposals, co-ordinating initiatives in the Central Area, monitoring Central Area matters and supplying representatives to other Committees to give a Central Area point of view.

1 Member of City Council
2 Citizen Members at Large
14 Members appointed by CAPIC representing various Associations, Boards and Businesses

d) **CN Station Citizens Advisory Committee**

A Task-oriented Committee to examine the future of the CN Station property in Hamilton.

Representatives of:
The Planning and Development Committee
CAPIC
LACAC
Business Improvement Areas and other stakeholders

e) **Hamilton Harbour Land Use Planning Sub-Committee**

Negotiates and deals with matters of land use with regard to the Hamilton Harbour Commissioners.

All Members of the Planning and Development Committee

f) **Local Architectural Conservation Advisory Committee**

Advises and assists on all matters relating to buildings and areas of architectural and/or historical significance pursuant to the provisions of the Ontario Heritage Act.

2 Members of City Council
8 Citizen Members

Citizen member vacancies on the Central Area Plan Implementation Committee and the Local Architectural Conservation Advisory Committee have been advertised and Orientation Sessions for citizens interested in serving on these two Sub-Committees were held on 1997 November 24 and November 26. The deadline for applications is 1997 December 12.

cc Victor Abraham, Director, Planning and Development Department

CITY OF HAMILTON

4.

- RECOMMENDATION -

DATE: 1997 November 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: **A By-law To Provide for Maintaining Land in a Clean and Clear Condition**

RECOMMENDATION:

That the attached By-law to amend By-law No. 84-35 be enacted by Council

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Council, on October 14, 1997, by adopting Section 5 of the 15th Report of the Planning and Development Committee authorized the preparation of this By-law

The attached By-law has changed some of the short forms used by the resolution and has made the words used in the resolution correspond with the drafting style of By-law No. 84-35.

LEF:as

c.c. L. King, Building Commissioner

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend By-law No. 84-35

To Provide For:

MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION

WHEREAS By-law No. 84-35 was enacted on the 14th day of February, 1984;

AND WHEREAS Council, on October 14, 1997, in adopting Section 5 of the 15th Report of the Planning and Development Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 84-35 is amended by the addition of the following:

(m) "buffer strip" means a minimum one metre (3.28 feet) wide border along the property line which surrounds a wildflower, meadow or naturalized area on an occupied property. Without restricting the generality of the foregoing, the buffer strip may include turf grass, non-organic ground cover or organic ground cover, such as hedges, to a maximum height of 60 centimetres (24 inches).

(l) "turf grass" means a regularly maintained area consisting of grass species such as bluegrass, fescue and perennial rye grasses, which is maintained to a maximum height of 20 centimetres (8 inches).

2. Subsection (4) of Section 2 of By-law No. 84-35 is repealed and replaced by the following:

(4) For the purposes of subsection 2 (1), "clean or cleared up" includes the removal of weeds or grass more than eight inches in height in turf grass areas. Wildflower, meadow and naturalized areas are permitted, provided that they do not encroach within the required one metre (3.28 feet) buffer strip surrounding the lot line and provided that the wildflower, meadow or naturalized areas shall be managed under the Weed Control Act.

PASSED this day of ,1997.

CITY CLERK

MAYOR

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 2

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Application for demolition permit 266-280 King Street E.
Area of Demolition Control (97.1.1.A)

RECOMMENDATION:

1. (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 266-280 King Street East, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,

   (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 266-280 King Street East subject to the following conditions:

   (i) the applicant has applied for and received a building permit for a replacement building on this property; and

   (ii) the said building permit specifies that replacement building be erected within five years of the demolition of the existing building on this property; and

   (iii) the said building permit for the replacement building specifies if such replacement building is not erected within the said five year time limit, that the City be paid the sum of $340,000 ($20,000 for each of the seventeen dwelling units of the existing building that were demolished); and,

   (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,

.../2

(v) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid; and,

2. That Section (4) of the 2nd report of the Planning and Development Committee adopted by Council 1996 February 13 be rescinded.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The subject property known municipally as 266-280 King Street East is a three story building comprised of two store front units and seventeen dwelling units. This building has been vacant for several years and is located within an area of Demolition Control designated by City By-law 74-290.

The City Solicitor advises, in an area of Demolition control, upon receiving an application for a demolition permit of a building comprised of a dwelling unit:

(i) Council may approve issuance of the demolition permit; or,

(ii) Until such time as the applicant for the demolition permit has received a building permit for a replacement building, Council may deny an application for a demolition permit; and,

(iii) Council is permitted to require a replacement building only where Council has denied a demolition permit until such time as the owner obtains a building permit for a replacement building.

BACKGROUND:

On 1996 February 13, Council approved the following:

"That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266-280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

(a) That the new building to be substantially completed on the site not more than two years from the day demolition of the existing residential property is commenced: and,

.../3

(b) That failure to complete the new building within the time specified, the City shall collect the maximum sum of $20,000 for each of the 17 dwelling units in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act."

As of this date, a demolition permit has not been issued and this building is still standing. The building owner is reluctant to demolish the existing building because he is uncertain whether there will be buyers in two years's time for the replacement he would be required to build within two years of demolishing the existing building.

The owner has requested an extension of the time to comply from the current two years to five years.

It is recommended above that the Building Commissioner be authorized to extend the time requirements from two years to five years subject to the provisions stated in the Recommendation section of this report. Valid municipal concerns with respect to vandalism of the adjacent buildings have been expressed to this Department.

Demolition of this building would alleviate concerns which are, in this instance, more important than ensuring a replacement building is erected promptly on the property. The Director of Planning and Development and the Fire Chief have expressed concerns about the potential risks associated with this building in its present state and are supportive of issuing a demolition permit for this property.

In addition to the general unsightliness of the building, the building has remained vacant, has been subject to vandalism and to trespass on several occasions. It is in the opinion of the Fire Chief that the deteriorated condition also presents a potential fire risk to neighbouring buildings and their occupants. There is some concern that the building is also a haven for rodents and may become a health hazard. Lastly, an adjoining business owner, R. Denninger Limited, is concerned that the insurer of his property may decide to discontinue coverage because of the unreasonable risks caused by this vacant building. Mr. Denninger and his lawyer, Mr. A. Wellenreiter have written several letters requesting the City to take action on reducing the risks and unsightly condition of this property.

LCK/FP/bel

SPALLACCI & SONS LTD.
Q-85 LANCING DRIVE - HAMILTON, ONTARIO L8W 2Z9
TEL (905) 389-6421 FAX (905) 389-0820

5(a)

November 07, 1997

NOV 1 3 1997

City of Hamilton
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Susan Reeder
Acting Secretary
Planning & Development Committee

Re: Demolition Condition Agreement
260-280 King Street East
File: 141-17196.1

Dear Susan:

In the past several months our office has received various phone calls from the Fire Department, Police Department, Building Department, Health Department and neighbours in regards to the hazards posed on the adjacent properties and individuals. To date we have complied with all departments to the best of our ability.

In order to satisfy the concerns of all parties , our firm is prepared to proceed with the demolition, if the above agreement would be amended as per the following:
"That the replacement building be substantially completed on the site not more than two years from the day demolition of the existing building is commenced; and,"
Insert five years in lieu of two years.

Yours truly,

Frank Spallacci

Cc: L. C. King
Building Commissioner

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Thursday, 1997 December 11
4:00 o'clock p.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

i) Minutes of the meeting held 1997 September 24

ii) Minutes of the special meeting held 1997 September 24

iii) Minutes of the meeting held 1997 October 8

iv) Minutes of the meeting held 1997 October 22

B. BUILDING COMMISSIONER

i) Barton Street Revitalization

ii) Commercial Property Improvement Loan Program - 302 Barton St. E.

iii) Commercial Property Improvement Loan Program - 460 Barton St. E.

iv) 11 Emerald St S - Demolition

v) Gore Heritage 2000 Program - 19-31 King Street East

C. DIRECTOR OF PLANNING AND DEVELOPMENT

i) Zoning Application 96-14, by 1104729 Ontario Limited (Allan Goulding) for removal of the "H" (Holding) Symbol for property located at 141 Queenston Road.

ii) "Rymal Square Estates - Phase 7", Hamilton
"Timothy Survey - Phase 1", Hamilton
"Wisemount Estates - Phase 9", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

iii) Proposed Site Plan Control By-law for lands located at No. 1200 Barton Street East.

iv) Modification to OPA No. 143, No. 220 Dundurn Street South.

v) Part Lot Control Application - PLC-97-04 - Wisemount Estates Phase 8.

D. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

i) Barton Village Business Improvement Area (B.I.A.) - Revised Board of Management

ii) Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management

iii) Ottawa Street Business Improvement Area (B.I.A.) - Revised Board of Management - 1997

iv) Revised Board of Management 1997; Main Street West Esplanade Business Improvement Area (B.I.A.)

v) International Village Business Improvement Area (B.I.A.) Proposed Budget Schedule of Payments for 1998

vi) International Village Business Improvement Area (B.I.A.) 1998-2000 Board of Management

vii) Westdale Village Business Improvement Area (B.I.A.) Proposed 1998 Operating Budget

viii) Westdale Village Business Improvement Area (B.I.A.) 1998-2000 Board of Management

ix) Concession Street Business Improvement Area (B.I.A.) - Revised Board of Management

x) Concession Street Business Improvement Area (B.I.A.) Proposed 1998 Operating Budget

E. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

i) Heritage Permit Application - 109 Charles Street

ii) Hamilton Beach Lighthouse and Keeper's Dwelling - National Historic Site

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

i) 1998 Planning and Development Committee Schedule

ii) Information Item

A (1)

Wednesday, 1997 September 24
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairman
Alderman F. D'Amico, Vice-Chairman
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling
Alderman G. Copps

Also Present:
Alderman M. Kiss
Alderman D. Wilson
Victor Abraham, Director of Planning and Development
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner
Peter Lampman, Building Department
Ronald Karl, Public Works and Traffic Department
Hazell Milsome, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Kevin Nutley, City Clerk's Department
Art Zudima, Law Department
Kevin Christenson, Acting Secretary

PUBLIC MEETINGS

The Chairman advised those present that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a public hearing.

1. **Subdivision Application 97-03, by Pasquale Campea and Angelo Loro, owners, to establish a draft plan of subdivision "Brigadoon Park' on the lands for lands located north on Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood**

The Committee was in receipt of a report dated 1997 September 15 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

No delegation requested to make a presentation to the Committee on this issue.

Following brief discussion, the Committee approved following recommendation:

(a) That approval be given to Subdivision Application 97-03 (Regional File No. Ta-97007), Pasquale Campea and Angelo Loro, owner, to establish a draft plan of subdivision "Brigadoon Park", on lands located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:

(i) That this approval apply to the plan as revised in red, prepared by Urbex Engineering Limited and certified by J. P. Woolley, O.L.S., dated May 27, 1997, showing 12 lots for single detached dwellings and two streets identified as Street "A" and Brigadoon Drive, attached as Appendix "B"; and,

(ii) That the Owner establish Streets "A" (from Stone Church Road to Brigadoon Drive) and Brigadoon Drive (from the east limits of the draft plan to the west limits of Street "A") to their full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,

(iii) That the Owner establish a 12.0m by 12.0m daylight triangle, taken from the widened limits of Stone Church Road and Street "A" as part of Street "A" on the final plan of subdivision; and,

(iv) That the Owner establish a paved Public access road connecting Stone Church Road West to the existing limit of Brigadoon Drive adjacent to Lot 1; and,

(v) That Brigadoon Drive align centreline to centreline with Brigadoon Drive as established by Plan 62M-768 to the satisfaction of the Commissioner of Transportation, as redlined; and,

(vi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(vii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(viii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(ix) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xiii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. The approved plan will include the following:

1. All erosion and sediment control measure shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

2. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,

3. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

4. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(xiv) That the applicant prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall be developed in conjunction with the tree preservation and landscape plan; and,

(xv) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall address water quality and quantity issues and will ensure that post developments flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented; and,

(xvi) That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall show how existing vegetation will be maintained with development and highlight replacement trees for vegetation removed as part of the development of this subdivision; and,

(xvii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xviii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97007), Pasquale Campea and Angelo Loro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

2. **Official Plan Amendment (City Initiative) and Subdivision Application 97-04, Vedemo Construction Ltd. and DiCenzo Construction Company Ltd., owners, for Approval of a Plan of Subdivision "Paradise Meadows" for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook**

The Committee was in receipt of a report dated 1997 September 18 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

Serge Manchia of Planning and Engineering Initiatives, representing the developer, DiCenzo Construction Company ltd. and Vedemo Construction Ltd., owners, indicated that his clients generally agreed with the recommendation presented for consideration however he did have the following concerns with the conditions:

- 20m road allowance as indicated is too much
  18m would be sufficient with sidewalk on one side only

- 26m width for road allowance is too much
  20m would be adequate

Mr. Tim Studor of 545 Rymal Road West appeared before the Committee to oppose the road widening as this would result in the road being only 8 feet from his house as well as the loss of a number of mature trees.

Mr. Manchia indicated that the developer would require Mr. Studor's property for this development and that he would be negotiating the purchase with the owner.

Peter Desantis appeared before the Committee and indicated that he was the developer of the property to the west of this proposed development. He indicated that he was in favour of this application and the official plan amendment.

Subsequently, following discussion, the Committee approved the following recommendation:

(a) That approval be given to Official Plan Amendment No. 141 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on Appendix "C" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as Appendix "D" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated 1997 June 9, showing 249 lots for single detached dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as Appendix "E"; and,

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(viii) That Blocks 266 and 267 be developed in conjunction with the adjacent lands; and,

(ix) That Blocks 250 and 265 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 250 and 265 be developed in conjunction with the abutting lands; and,

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department; and,

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiii) That if the development of Blocks 264 and 265 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiv) That Street A must be established to a minimum width of 26m from the southerly limits of Rymal Road West to a point approximately 90 metres southerly to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(xv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A; and,

(xvi) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m; and,

(xvii) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances; and,

(xviii) That Street G be established at 20m instead of 18m; and,

(xix) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width; and,

(xx) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision; and,

(xxi) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m; and,

(xxii) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on Appendix "F" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department; and,

(xxiii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street; and,

(xxiv) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant; and,

(xxv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes; and,

(xxvi) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J; and,

(xxvii That the street line adjacent Lots 229, 230 and 231 be realigned to provide a straight transition into the cul-de-sac bulb; and,

(xxviii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(xxix) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,

(xxx) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xxxi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(e) That the approved Carpenter Neighbourhood Plan be amended as shown on Appendix "F", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

3. **Zoning application 97-17, by R. Denninger Limited, owner for a change in zoning from "C" District and "AA" District to "HH" District, modified, for property located at 1289 Upper James Street**

The Committee was in receipt of a report dated 1997 September 16 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

No delegation requested to make a presentation to the Committee on this issue.

Following brief discussion, the Committee approved following recommendation:

(a) That approval be given to Official Plan Amendment No. 142 to redesignate the rear portion of the subject lands from "Residential" to "Commercial" on Schedule A and extend Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application ZAC-97-17, R. Denninger Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "1") and "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "2"), to permit the use of the subject lands for commercial development, for lands located at 1289 Upper James Street, as shown on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

(2) Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(3) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(4) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access; and,

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1388, and that the subject lands on Zoning District Map E-9C be notated S-1388; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(vi) That the proposed change in zoning are in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 142 by the Regional Municipality of Hamilton-Wentworth; and,

(b) Upon finalization of the implementing By-law the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Commercial and Apartments" to "Commercial".

4. **Zoning Application 97-12, by A.R.P. Construction Ltd., owner, for modifications to the "DE" District regulations for lands located at 780 Upper Paradise Road**

The Committee was in receipt of a report dated 1997 September 17 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

Joanne Hickey-Evans reviewed the details of the report.

No delegation requested to make a presentation to the Committee on this issue.

Following brief discussion, the Committee approved following recommendation:

That approval be given Amended Zoning Application ZAC-97-12, A.R.P. Construction Ltd., owner, for a modification to the established "DE" (Low Density Residential Dwelling) District regulations to permit the development of five (5) townhouse units for property located at 780 Upper Paradise Road, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the "DE" (Low Density Multiple Dwelling) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10A, a maximum of five (5) townhouse dwellings shall be permitted subject to the "RT-20" (Townhouse-Maisonette) District provisions of Section 10E, except for the following:

(1) A minimum 3.0 m setback shall be permitted along the northerly lot line; and,

(2) A minimum 1,131.58 m^2 lot area shall be permitted; and,

(ii) That notwithstanding Section 18A(1) a minimum six (6) parking spaces shall be required; and,

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1389, and that the subject lands on Zoning District Map W37B be notated S-1389; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W37B for presentation to City Council; and,

(d) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

5. **BUSINESS IMPROVEMENT AREA CO-ORDINATING COMMITTEE**

Delegation - Sheila Snyder re Commercial Improvement Programme Funding

The Committee was in receipt of correspondence dated 1997 September 12 from Sheila Snider, Business Improvement Area Co-ordinating Committee Member respecting the subject matter.

Sheila Snyder and Mary Pocious distributed a report entitled "Commercial improvement Program - Business Improvement Area Cost Breakdown" and detailed the need for the city to provide funding for the Commercial Improvement Program.

Following discussion, the Committee approved the following recommendation:

That the request of the Business Improvement Area Co-ordinating Committee for Commercial Improvement Programme funding, in the amount of $315,000 which will result in the funding of $15,000 per year, for each of the seven B.I.A.'s over the next three years, be referred to the Corporate Management Team with instructions that it be considered a priority in the 1998 - 2007 Capital Budget Deliberations.

6. ALDERMAN Wm. McCULLOCH

City Initiative - Request for Rezoning No. 467 Charlton Avenue East

The Committee was in receipt of correspondence dated 1997 September 3 from John Lewis of Turkstra Mazza Shinehoft Associates to Alderman Wm. McCulloch respecting the subject matter.

Alderman McCulloch spoke to the issue and following brief discussion, the Committee approved the following recommendation:

"(a) That the Planning and Development Committee be directed to undertake a City Initiative to remove "miniature golf" as a permitted use for the property located at No. 467 Charlton Avenue East; and,

(b) That the costs of the rezoning application (i.e. public notice sign, etc.) be financed through Account No. 5X921-00102."

7. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) **Revised Board of Management - Downtown Hamilton B.I.A.**

The Committee was in receipt of a report dated 1997 September 16 from Doug Lobo, Commissioner of Public Works and Traffic respecting the subject matter.

Following brief discussion, the Committee approved the following recommendation:

(a) That Schedule 'B' of By-law No. 97-105, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	Fever Night Club/The Parlour/Montfort Restaurant
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
K. Wiegand	McCarthy Hearing Aids

(b) That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-105 pursuant to (a) above.

(b) **Impact of Bill 106 on Business Improvement Areas (B.I.A.'s)**

The Committee was in receipt of a report dated 1997 September 18 from Doug Lobo, Commissioner of Public Works and Traffic respecting the subject matter.

Hazel Milsome reviewed the details of the report and following discussion, the Committee agreed to amend the recommendation by deleting "a representative from the Law Department" from the composition of the Steering Committee. Subsequently, the Committee approved the following amended recommendation:

(a) That a Steering Committee be established under the auspices of the Commissioner of Public Works and Traffic, to address the pending impact of Bill 106 "The Fair Municipal Finance Act" on B.I.A.'s which comes into effect 1998 January 1; and,

(b) That the composition of the Steering Committee be as follow:

(i) Two elected officials

(ii) A representative from the Public Works and Traffic Department

(iii) A representative from the City Clerk's Department

(iv) A representative from the Treasury Department

(v) Three members of the B.I.A. Co-ordinating Committee; and,

(c) That the Steering Committee be requested to review Bill 106 and address the following:

(i) The appropriate process for approval of the 1998 B.I.A. Budgets

(ii) The appropriate process for approval of the 1998-2000 B.I.A. Boards of Management

(iii) Municipal/B.I.A. division of responsibilities; and,

(d) That the Steering Committee report back its findings to the Committee at its October meeting.

(c) **Downtown Hamilton Business Improvement Area, Expansion of Boundaries**

The Committee was in receipt of a report dated 1997 September 16 from Doug Lobo, Commissioner of Public Works and Traffic respecting the subject matter.

Following brief discussion, the Committee approved the following recommendation:

(a) That the Downtown Hamilton B.I.A. boundaries be expanded to incorporate businesses on the east side of James Street North from the existing boundary to No. 44 James Street North and, on the north side of King William Street from James Street North to Mary Street, as per Appendix "I"; and,

(b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

(c) That the Law Department be authorized and directed to prepare the necessary amending by-law.

(d) **Roadway Standards in Subdivisions**

The Committee was in receipt of an information report dated 1997 September 16 resecting the subject matter.

Eugene Chajka reviewed the report in detail and discussion ensued on the issue of residential boulevards and the minimum road allowance for the interior of sub-divisions.

Following discussion, the Committee approved the following recommendation;

That the Commissioner of Public Works and Traffic be directed to report back, with options and timing on the issue of residents having a choice of residential boulevards on internal residential streets in new subdivisions.

8. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) **CN Station - Heritage Easement Agreement**

The Committee was in receipt of a report form the Secretary of the Local Architectural Conservation Advisory Committee respecting the subject matter.

Following discussion, the Committee approved the following recommendation:

(a) That a letter be sent to the Minister of Canadian Heritage advising that the City supports the recommendation of the Department of Canadian Heritage to implement a Heritage Easement Agreement with the Ontario Heritage Foundation as part of the terms of sale of the CN Station located at 360 James Street North/241 Stuart Street, Hamilton, to the prospective owners in order to ensure the preservation of the railway station; and,

(b) That approval be given to the Ontario Heritage Foundation's request for a municipal contribution towards monitoring the Heritage Easement consisting of the following:

(i) a one-time contribution to the Ontario Heritage Foundation in the amount of $8,300 to be financed through the Heritage Acquisition Reserve Account (Centre No. CH00120); and,

(ii) annual site visits to be undertaken by municipal Heritage Planning Staff.

(b) **Gore Heritage 2000 Program**
Special Provision for Buildings
with Frontages of Fifty Feet or More

The Committee was in receipt of a report dated 1997 September 15 from the Secretary, Local Architectural Conservation Advisory Committee respecting the subject matter.

Following discussion, the Committee approved the following recommendation:

That approval be given to amend the Gore Heritage 2000 Program by providing an additional matching grant of up to $20,000 for heritage properties in the Gore Heritage Area (King Street East from James Street to Catharine Street) with a frontage of fifty (50) feet or more.

9. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development meeting of 1997 August 20 were adopted as circulated to the Members.

B. BUILDING COMMISSIONER

(a) **139 Stone Church Road East - Demolition**

The Committee was in receipt of a report dated 1997 September 11 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 139 Stone Church Road East in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) **Community Heritage Trust Fund**
141 St. Clair Avenue

The Committee was in receipt of a report dated 1997 September 9 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

That a loan under the Community Heritage Trust Fund Program in the amount of $9,782 to Ethel Gowling for improvements to 141 St. Clair Avenue be approved, subject to the fulfilment of the borrowing requirements of the Program.

Note: Alderman G. Copps recorded opposed.

(c) **Commercial Property Improvement Loan Program**

The Committee was in receipt of a report dated 1997 September 11 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

(a) (i) That a loan increase of $7,237 to Octavio and Mirella Raposo for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $25,000. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of $3,619 be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of $5,000 to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of $2,500 be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(d) **Commercial Property Improvement Loan Program**

The Committee was in receipt of a report dated 1997 September 11 from the Building Commissioner respecting the subject matter.

The Committee approved the following recommendation:

(a) That a secured loan in the amount of $17,229 to Notarianni Investments Limited, for improvements to 333 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of $8,614 be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Request for Validation Certificate for "Allison Estates - Phase 1, Stage 2" Subdivision Lots 3, 5 7 and 12, Registration Plan 62M-795**

The Committee was in receipt of a report dated 1997 September 13 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner, for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2", as shown on Appendix "J"; and,

(b) That the City Solicitor be directed to prepare a By-law in accordance with Section 57 of the Planning Act to legalize the creation of maintenance easements for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2".

(b) **Application to Remove Part-Lot Control "Sandrina Gardens - Phase 2" Subdivision**

The Committee was in receipt of a report dated 1997 September 16 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71, Registered Plan 62M-780 "Sandrina Gardens - Phase 2", as shown on Appendix "K"; and,

(b) That the exempting By-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be presentation to City Council; and,

(d) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the by-law.

(c) **Application to Remove Part-Lot Control for Lot 9 "Kemp Estates" Subdivision, 34 Rouge Hill Court**

The Committee was in receipt of a report dated 1997 September 13 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That approval be given to Part Lot Control Application 97-02, James Kemp Construction Limited, owner, to remove part-lot control for Lot 9, located in "Kemp Estates" Subdivision, to permit the conveyance of 2 blocks to the abutting lots, as shown on the attached map marked as Appendix "L"; and,

(b) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lot 9, Registered Plan 62M-812, "Kemp Estates" plan of subdivision, for presentation to City Council; and,

(c) That the exempting by-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(d) That the exempting by-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(i) The Owner registering the following Restriction on Title for Lots 8, 9 and 10 to the satisfaction of the Director of Planning and Development and the City Solicitor:

"No buildings or structures shall be allowed to be located within 7.62 metres of the "Top of Bank" as defined by the Hamilton Region Conservation Authority as shown on Plan 62M-812. The area below the "Top of Bank Line" shall be left in its natural state. The planting of non-native species shall not be permitted. The use of fertilizer or pesticides, the placement of any material, equipment or structure within this area shall not be permitted."

(ii) The Owner revise the approved grading plan to match the proposed lot line configuration to the satisfaction of the Commissioner, Regional Environment Department; and,

(e) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

(d) **"Claudette Gardens - Phase 9", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication**

The Committee was in receipt of a report dated 1997 September 6 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

That the City of Hamilton accept the sum of $ 28,400 as cash payment in lieu of 5% land dedication in connection with "Claudette Gardens - Phase 9", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

(e) **Removal of the Deferral - Official Plan Amendment No. 66 (City of Stoney Creek) - Cardinal Newman High School Site**

The Committee was in receipt of a report dated 1997 September 15 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That the City of Hamilton request the Regional Municipality of Hamilton-Wentworth to remove the deferral of the medium density designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) provided the following modifications are included in OPA No. 66:

(i) that Policy 13.5.15 be amended by adding the following words "for residential purposes which may include single-detached dwellings, semi-detached dwellings, townhouses and" between the words 'developed' and 'multiple' so the first paragraph of the policy reads as follows:

"Those lands designated Medium Density Residential by this Plan and located at No. 71 Centennial Parkway (Cardinal Newman Site), are intended to be comprehensively developed for residential purposes which may include single-detached dwelling, semi-detached dwellings, townhouses and multiple dwelling structures in consultation with the City of Hamilton. In the interim, the uses of these lands shall continue for institutional purposes."

(ii) That Policy 13.5.15 be amended by adding a second paragraph as follows:

"Any redevelopment of the Stoney Creek portion of this site will not provide direct vehicular access to Cromwell Crescent in the City of Hamilton. In addition, the height of new buildings adjacent to existing single detached dwellings and future single-family dwelling fronting on Cromwell Crescent will be compatible; however, somewhat higher buildings may be permitted on other portions of the site."

(b) The City Clerk be requested to inform the City of Stoney Creek of the City of Hamilton's request to lift the deferral for the above noted policy and Secondary Plan designation provided the modifications to Policy 13.5.15 are incorporated in accordance with Section (a) above.

(f) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing**

The Committee was in receipt of a report dated 1997 September 15 from the Director of Planning and Development, the Chief Administrative Officer and the City Solicitor respecting the subject matter.

The Committee approved the following recommendation:

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-97-159, respecting property located at No. 35 Proctor Boulevard.

(g) **Application to Remove Part-Lot Control "Allison Estates - Phase 4" Subdivision Registered Plan No. 62M-823**

The Committee was in receipt of a report dated 1997 September 18 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Committee approved the following recommendation:

(a) That approval be given to the request of J. Parente, Solicitor, for 200 Rymal Road Inc., owner, to remove part-lot control to establish maintenance easements for Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, Registered Plan 62M-823 "Allison Estates - Phase 4", as shown on Appendix "M"; and,

(b) That the exempting by-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, Registered Plan 62M-823 "Allison Estates - Phase 4" plan of subdivision, be presented to City Council; and,

(d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

D. <u>SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE</u>

Information Items

The Committee was in receipt of a report dated 1997 September 24 from the Secretary, Planning and Development Committee respecting the subject matter.

The Committee approved the following recommendation:

That the following Information Items which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report dated 1997 September 5 from P. Noé Johnson, City Solicitor re Administrative Tribunal Update

(b) Information Report dated 1997 September 15 from L. C. King, Building Commissioner re 605-609 James Street N., CleanSoils Inc. - Pier 26, Eastport Drive

(c) Private and Confidential Information Report dated 1997 September 16 from P. Noé Johnson, City Solicitor re Mobile Signs

(d) Removal of Development Control Regulations of the Niagara Escarpment Commission - City of Hamilton

(e) Site Plans for Approval

10. OTHER BUSINESS

(a) **CleanSoils**

The Committee was in receipt of a memo dated 1997 September 24 from the Secretary of the Transport and Environment Committee respecting the subject matter.

Alderman Merling indicated that the Transport and Environment Committee intended that the F-4 modified zoning not be considered by the Planning and Development Committee for the CleanSoils site in order to support the removal of this operation from it's present location.

Following discussion, the Committee approved that the item be received.

(b) **43 Forest Avenue - Brick Failure**

The Committee was in receipt of an information report distributed at the meeting dated 1997 September 24 from the Building Commissioner respecting the subject matter.

Mr. King reviewed the report in detail and following considerable discussion, the Committee agreed that the item be received.

(c) **Allison Neighbourhood - Upper James Street**

Alderman Merling indicated that area residents were unaware of the proposed sale of the City property located at 1717 Upper James Street.

Following discussion, the Committee approved the following recommendation;

That the Director of Local Planning be directed to hold a public meeting on the issue of the proposed sale of City property - 1717 Upper James Street and the effect that this sale will have on the Allison Neighbourhood Plan.

(d) **Crearer Neighbourhood - Access**

Alderman Merling informed the Committee that 450 new homes had recently been built in the Crearer Neighbourhood and that only one road was presently available for these residents to exit this residential area. He stated that a recent fire in the area had resulted in the blockage of all vehicular traffic from or to this area.

Following discussion, the Committee directed that the Commissioner of Public Works and Traffic report back to the next meeting on this issue including access options and costs.

11. PRIVATE AND CONFIDENTIAL AGENDA

(a) **Commercial Property Improvement Loan Program**
Registration of Loan on Tax Rolls
Andrea DiSiena - 253 James Street North

The Committee approved the following recommendation:

That the total outstanding Commercial Property Improvement Loan Program for Andrea DiSiena, 253 James Street North, in the amount of $2,971.57 be placed on the tax rolls.

(b) **Commercial Property Improvement Loan Program**
Registration of Loan on Tax Rolls
914914 Ontario Inc., o/a Howard's Flower Shop
84 - 84 1/2 Ottawa Street North

The Committee approved the following recommendation:

That the total outstanding Commercial Property Improvement Loan Program for 84 - 84 1/2 Ottawa Street North, in the amount of $8,575.83 be placed on the tax rolls.

(c) **Commercial Property Improvement Loan Program**
Registration of Loan on Tax Rolls
914914 Ontario Inc., o/a Fred Gregory Florists
213, 215 and 217 Ottawa Street North

The Committee approved the following recommendation:

That the total outstanding Commercial Property Improvement Loan Program for 213, 215, 217 Ottawa Street North, Hamilton, in the amount of $33,007.36 be placed on the tax rolls.

12. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved,

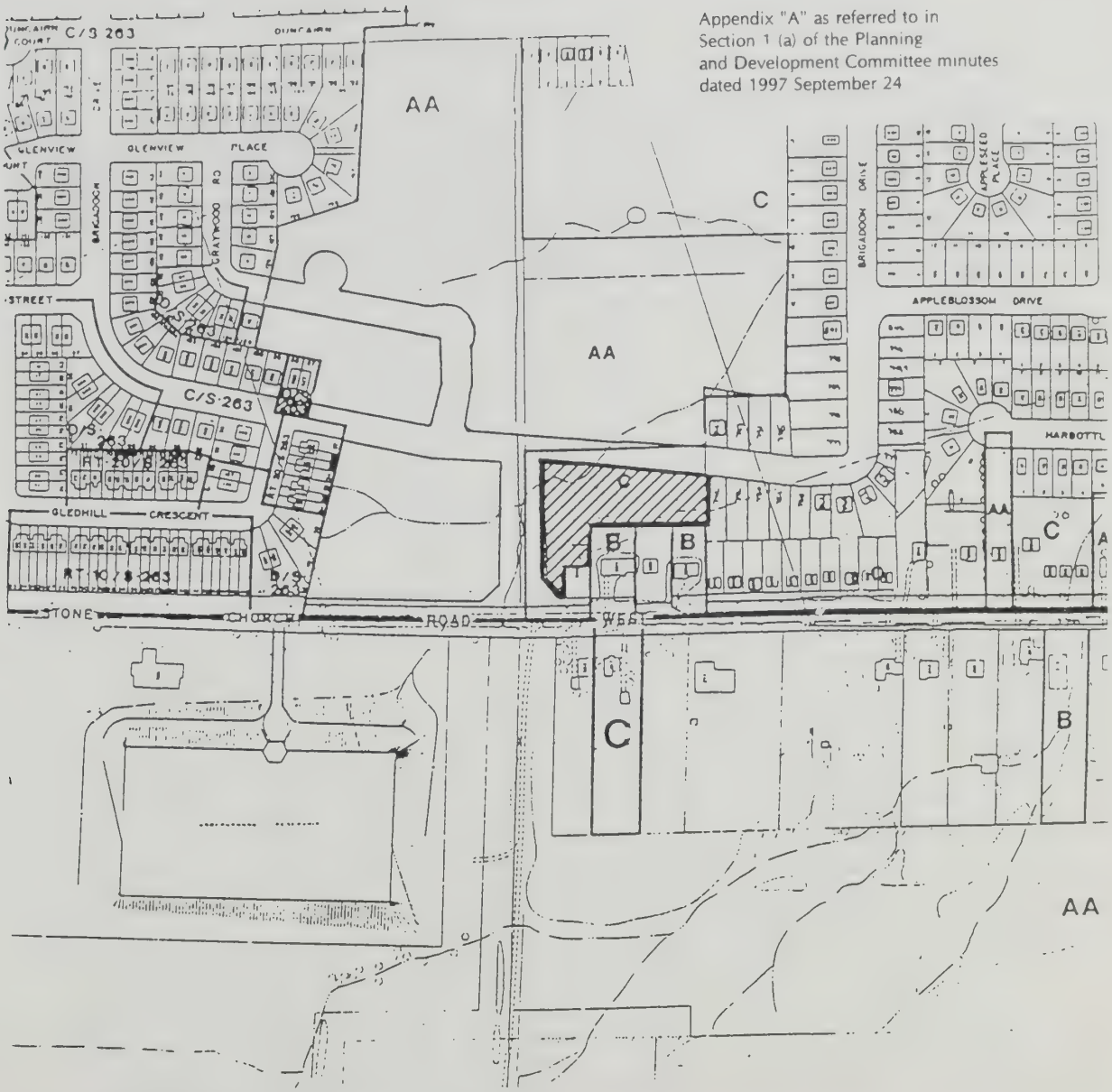
ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson
Acting Secretary

1997 September 24

/mjw

Appendix "A" as referred to in
Section 1 (a) of the Planning
and Development Committee minutes
dated 1997 September 24

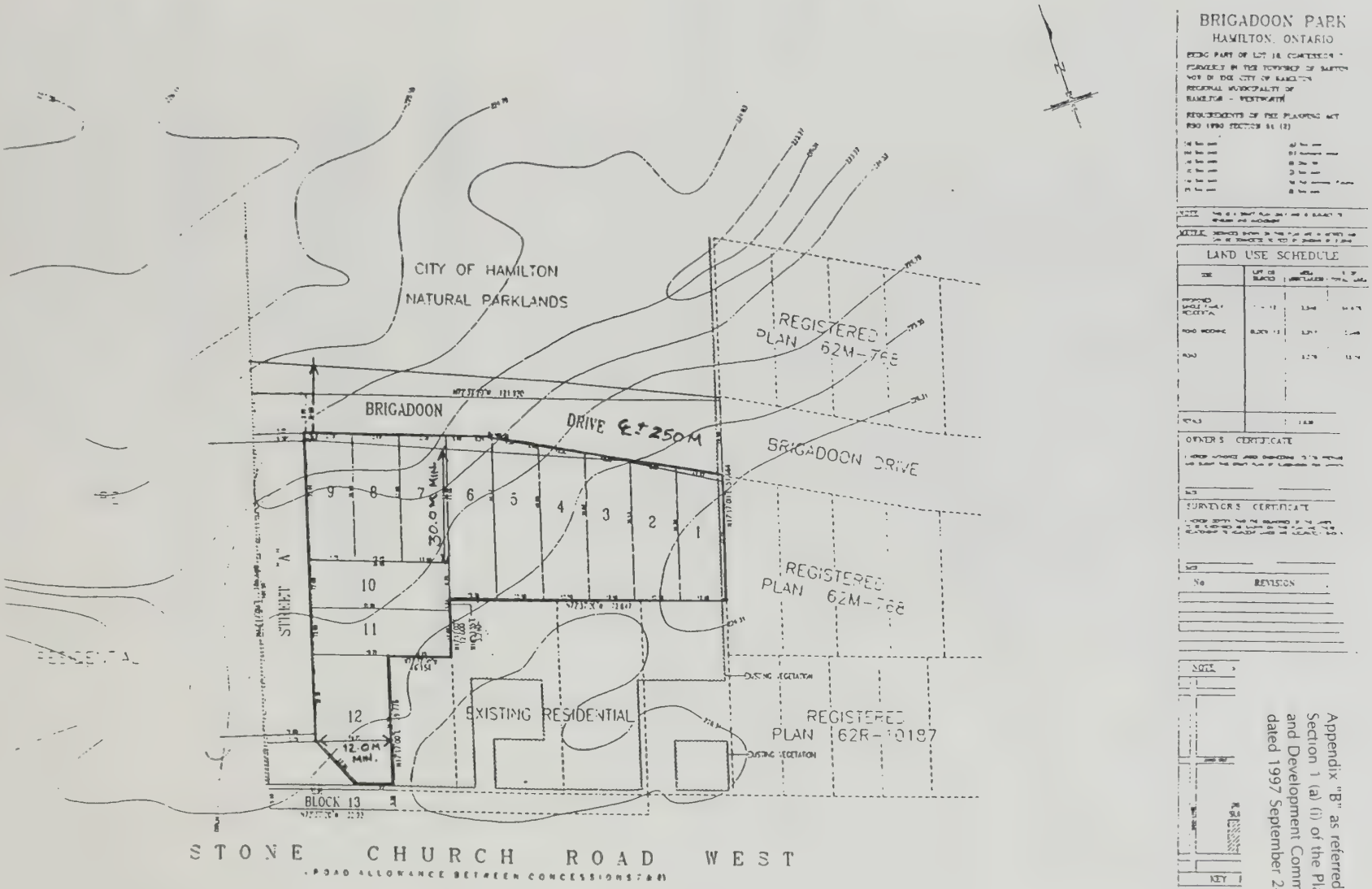


Legend

Site of the Application

Reference File No	
SAC-97-03	
Drawn By	Date
S.H.	Aug 199
Scale	
Not to Scale	
North	

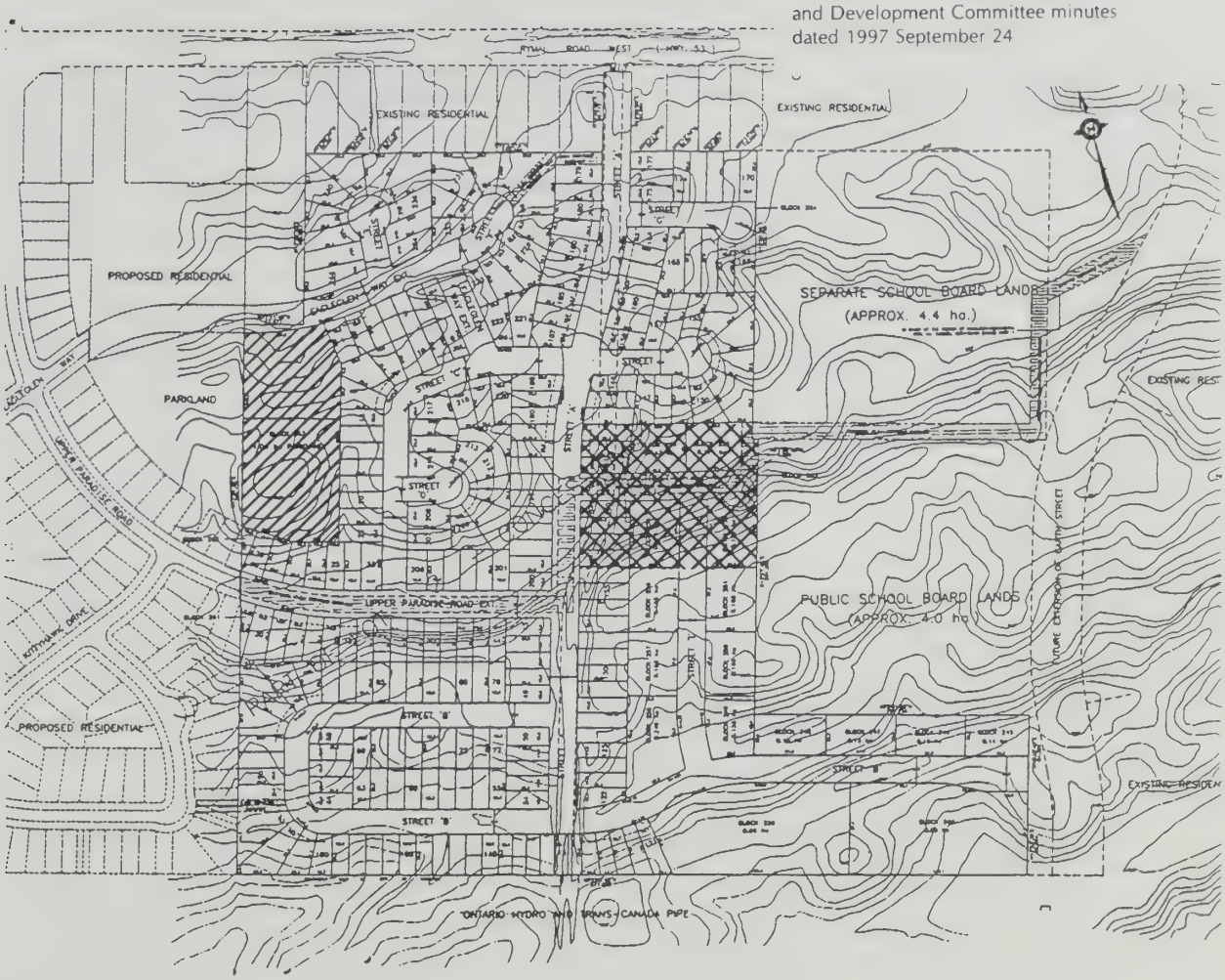
APPENDIX "A"



APPENDIX "B"
Proposed Plan of Subdivision

Appendix "B" as referred to in Section 1 (a) (i) of the Planning and Development Committee minutes dated 1997 September 24

Appendix "C" as referred to
in Section 2 (a) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

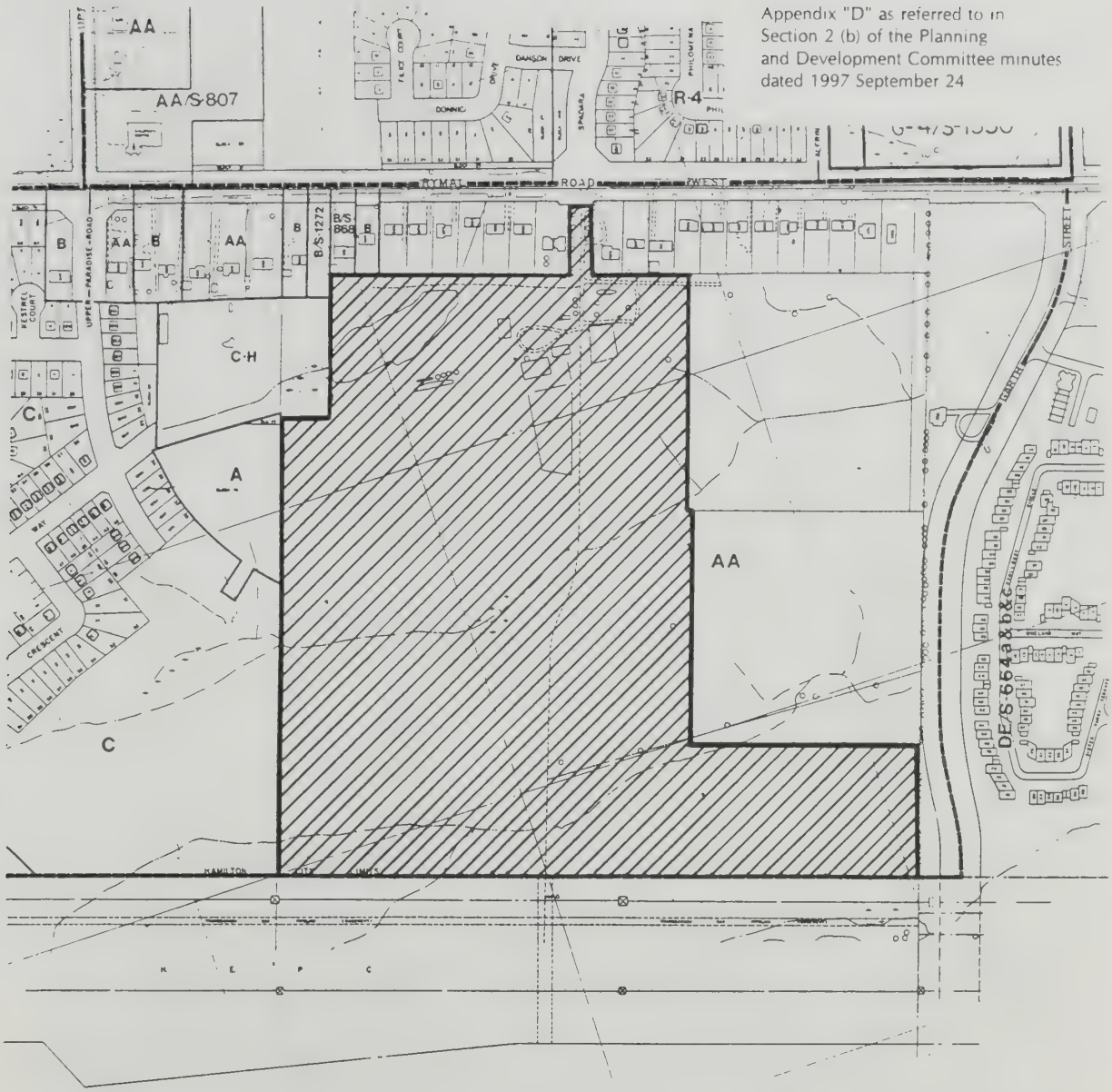
BLOCK 1 — Lands to be redesignated from "Open Space" to "Residential" (Lots 127 - 143, inclusive, and Blocks 252 -255, inclusive, on proposed Draft Plan of Subdivision)

BLOCK 2 — Lands to be redesignated from "Residential" to "Open Space" (Block 263 on proposed Draft Plan of Subdivision)

Reference File No.	
SAR-97-04	
Drawn By	Date
R.L.	August 19
Scale	
Not to Scale	
North	

APPENDIX "C"

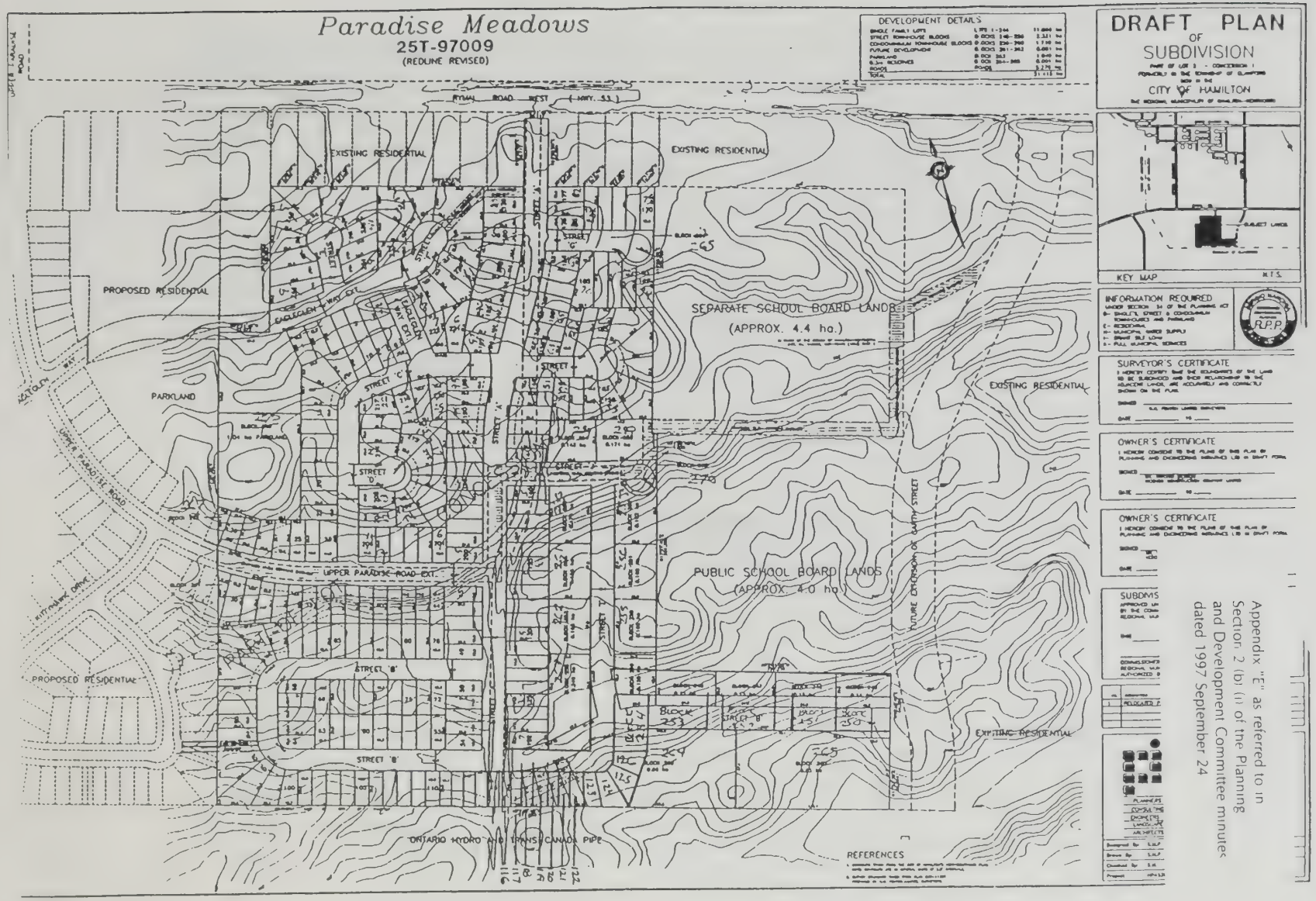
Appendix "D" as referred to in
Section 2 (b) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

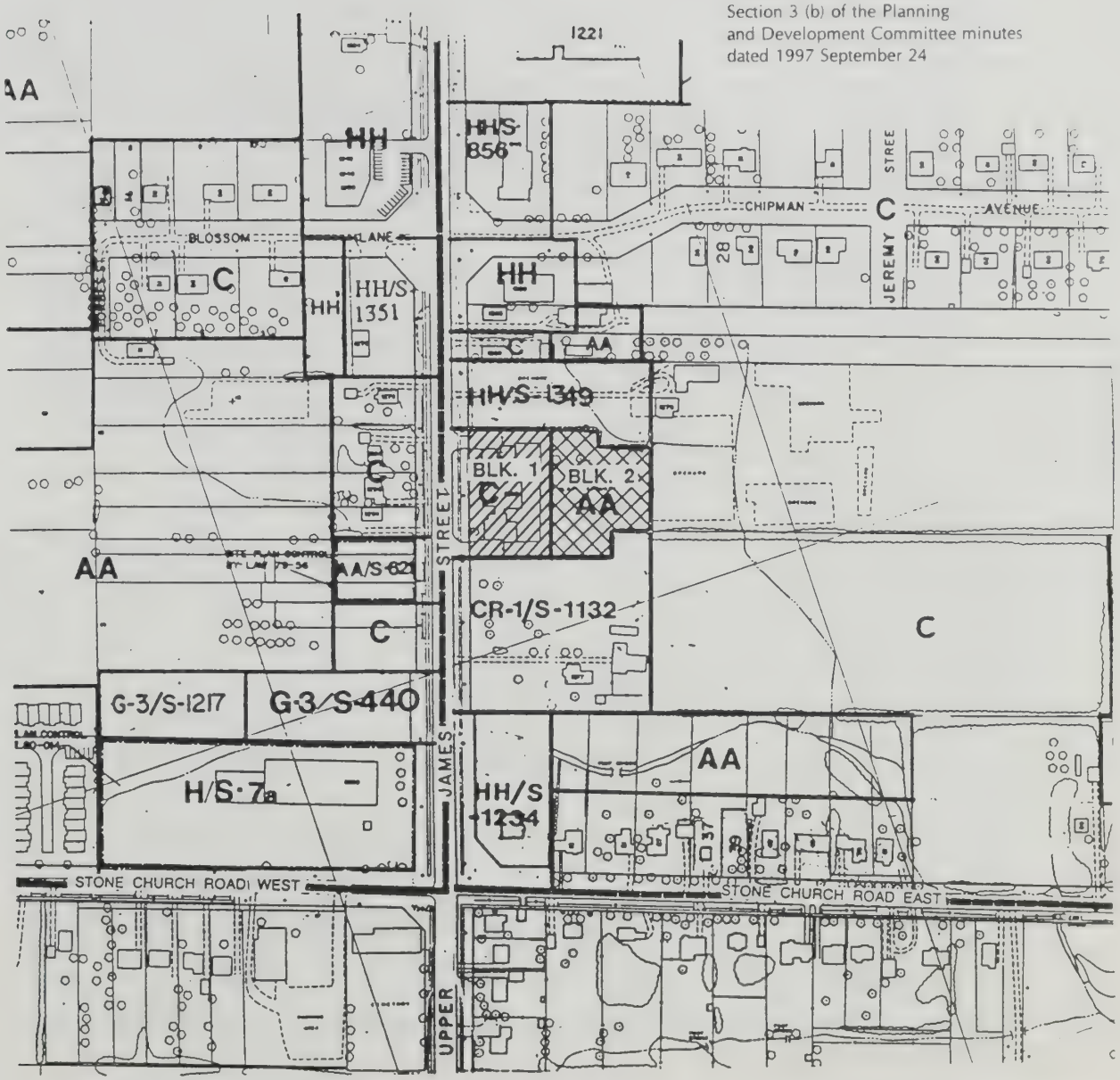
Site of the Application

Reference File No.	
SAR-97-04	
Drawn By	Date
B.B.	Aug. 1997
Scale	
Not to Scale	
North	


Paradise Meadows
25T-97009
(REDLINE REVISED)
DEVELOPMENT DETAILS
DRAFT PLAN OF SUBDIVISION
CITY OF HAMILTON
KEY MAP
INFORMATION REQUIRED
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
OWNER'S CERTIFICATE
SUBDMS
EXISTING RESIDENTIAL
EXISTING RESIDENTIAL
PROPOSED RESIDENTIAL
SEPARATE SCHOOL BOARD LANDS
(APPROX. 4.4 ha.)
PARKLAND
EXISTING RESIDENTIAL
PUBLIC SCHOOL BOARD LANDS
(APPROX. 4.0 ha.)
PROPOSED RESIDENTIAL
EXISTING RESIDENTIAL
REFERENCES
Appendix "E" as referred to in
Section 2 (b) (i) of the Planning
and Development Committee minutes
dated 1997 September 24

Appendix "F" as referred to in
Section 2 (b) 22 of the Planning
and Development Committee minutes
dated 1997 September 24

Appendix "G" as referred to in
Section 3 (b) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

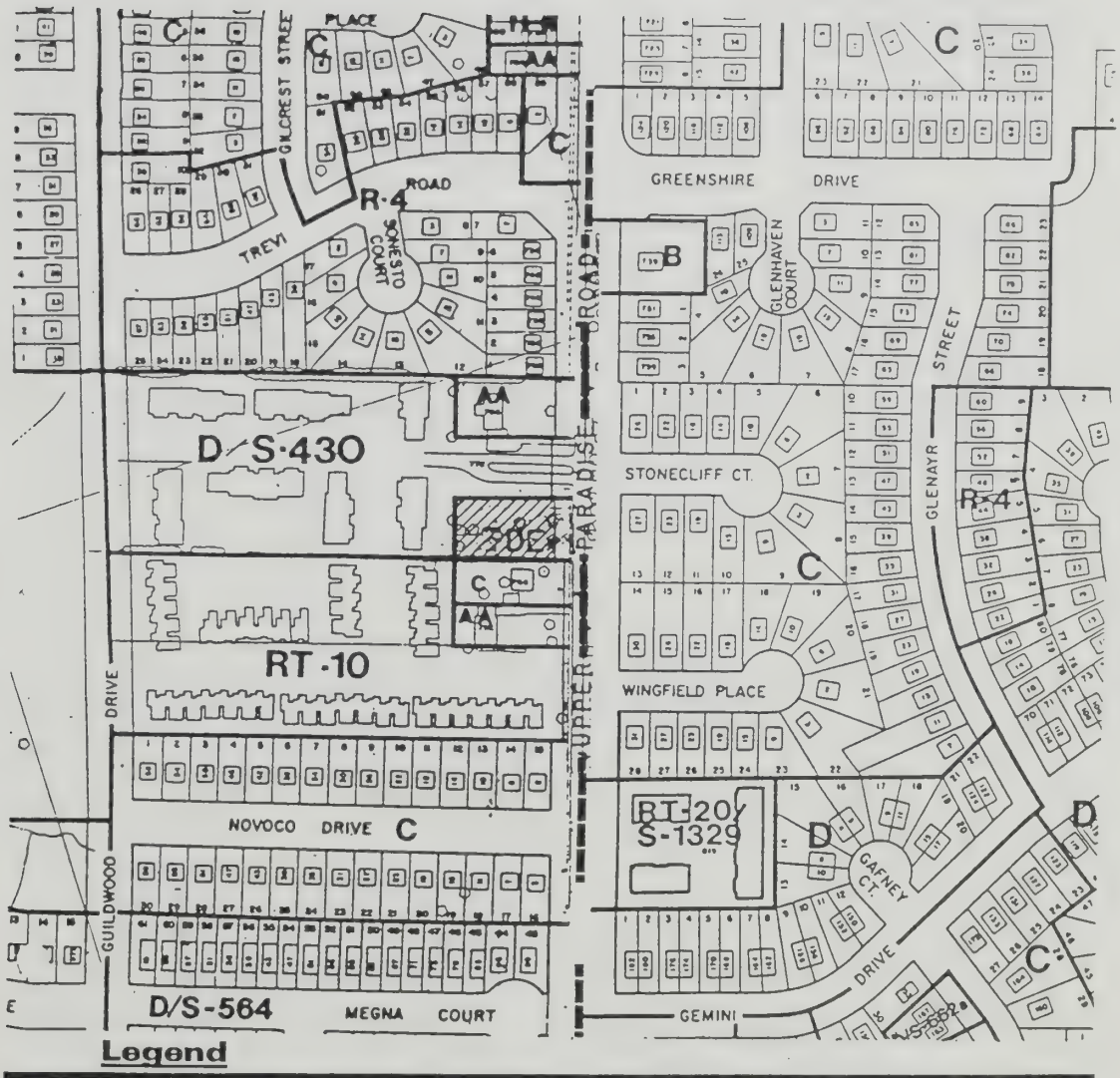
CHANGE IN ZONING FROM :

BLOCK 1 — "C"(Urban Protected Residential, etc.) District To "HH"(Restricted Community Shopping and Commercial) District, Modified.

BLOCK 2 — "AA" (Agricultural) District To "HH" (Restricted Community Shopping and Commercial) District, Modified.

Reference File No.	
ZAC-97-17	
Drawn By	Date
R.L.	Sep. 1997
Scale	
Not to Scale	
North	

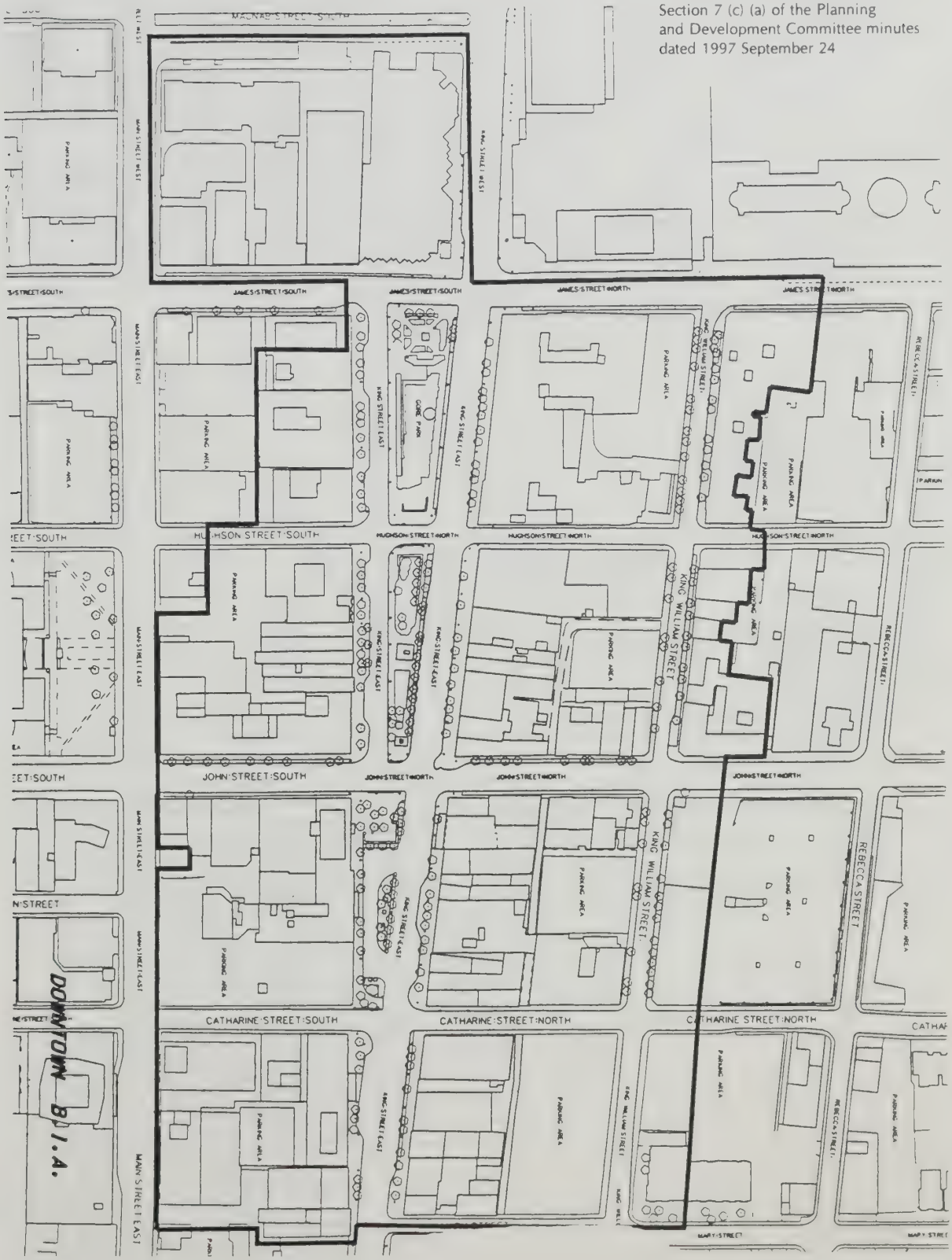
Appendix "H" as referred to in
Section 4 of the Planning
and Development Committee minutes
dated 1997 September 24



Site of the Application

Reference File No.	
ZAC-97-12	
Drawn By	Date
B.B.	Aug. 1997
Scale	
Not to Scale	
North	

Appendix "I" as referred to in
Section 7 (c) (a) of the Planning
and Development Committee minutes
dated 1997 September 24



SEDONA COURT

M-795
25T-910148

Notice
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
THIS 17th DAY OF SEPTEMBER, 1996

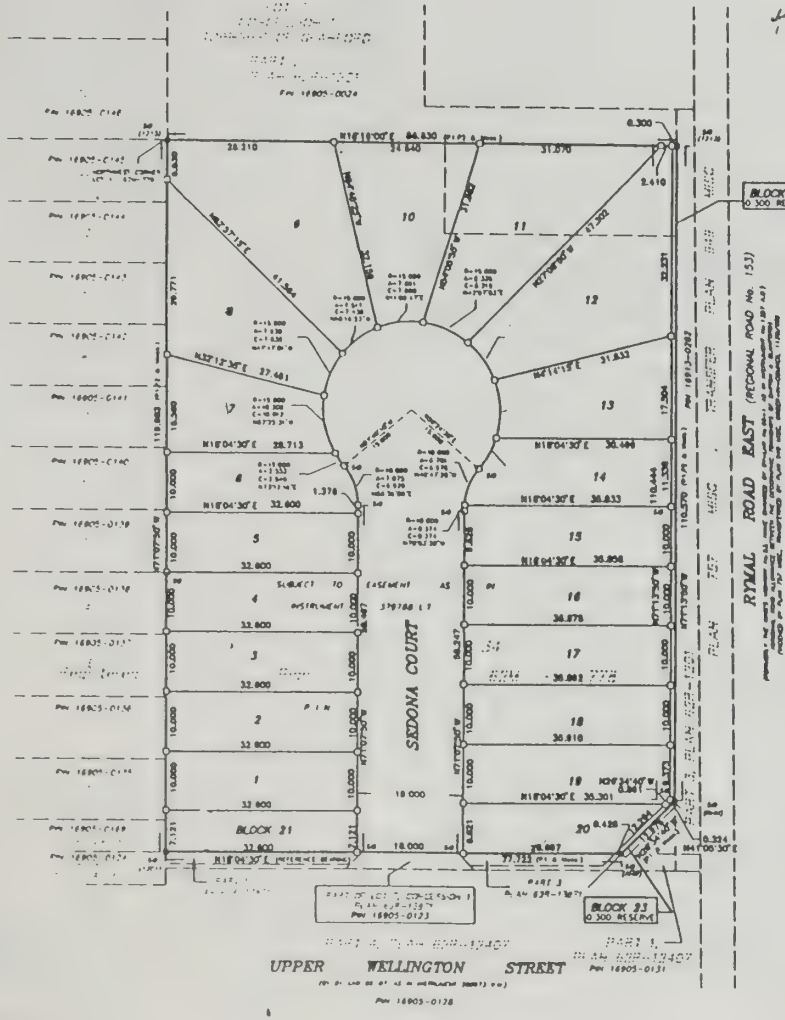
Commissioner of Planning and Development
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law no R 88-171

PLAN 62M-795

I CERTIFY THAT THIS PLAN 62M-795
IS REGISTERED IN THE LAND REGISTRY OFFICE
FOR THE LAND TITLES DIVISION OF WENTWORTH (62)
AT 11:48 O'CLOCK ON THE 1ST DAY OF
October 1996 AND ENTERED IN
THE REGISTER FOR PROPERTY IDENTIFIER No
16905-0167 16905-0168
AND REQUIRED CONSENTS AND AFFIDAVITS ARE
REGISTERED AS PLAN DOCUMENT NO. WE21935

E. Parmenter
LAND REGISTRAR

THIS PLAN COMPRISES PIN 16905-0168
PIN 16905-0167
SUBJECT TO EASEMENT AS SET OUT IN INSTR NEW 379786 LT



Allison Estates

Phase 1, Stage 2

BEING A SUBDIVISION OF
LOT 33 AND BLOCK 34
REGISTERED PLAN 62M-778
IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500

MACKAY, MACKAY & PETERS LIMITED
1996

Legend

●	DENOTES A SURVEY MONUMENT FOUND
○	DENOTES A SURVEY MONUMENT PLANTED
SAB	DENOTES STANDARD IRON BAR
SSB	DENOTES SHORT STANDARD IRON BAR
⊕	DENOTES IRON BAR
•	DENOTES ROUND
CC	DENOTES CUT CROSS
CP	DENOTES CONCRETE PIN
WIT	DENOTES WITNESS
(O.U.)	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN 62M-778
P2	DENOTES PLAN 62R-12463
(R.M.W.)	DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(1213)	DENOTES J.D. PETERS, O.L.S.

ALL BARS ARE ⌀'S UNLESS OTHERWISE NOTED

Surveyor's Certificate

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 16th DAY OF AUGUST, 1996

SEPTEMBER 11, 1996
DATE

JAMES LAWS
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT

1. LOTS 1 TO 19 BOTH INCLUSIVE, THE STREETS NAMELY SEDONA COURT, BLOCKS 20 & 21, AND 0.300 RESERVES NAMELY BLOCKS 22 & 33 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

DATED AT HAMILTON, ONTARIO
THIS 11th DAY OF SEPTEMBER, 1996

200 RYMAL ROAD INC.

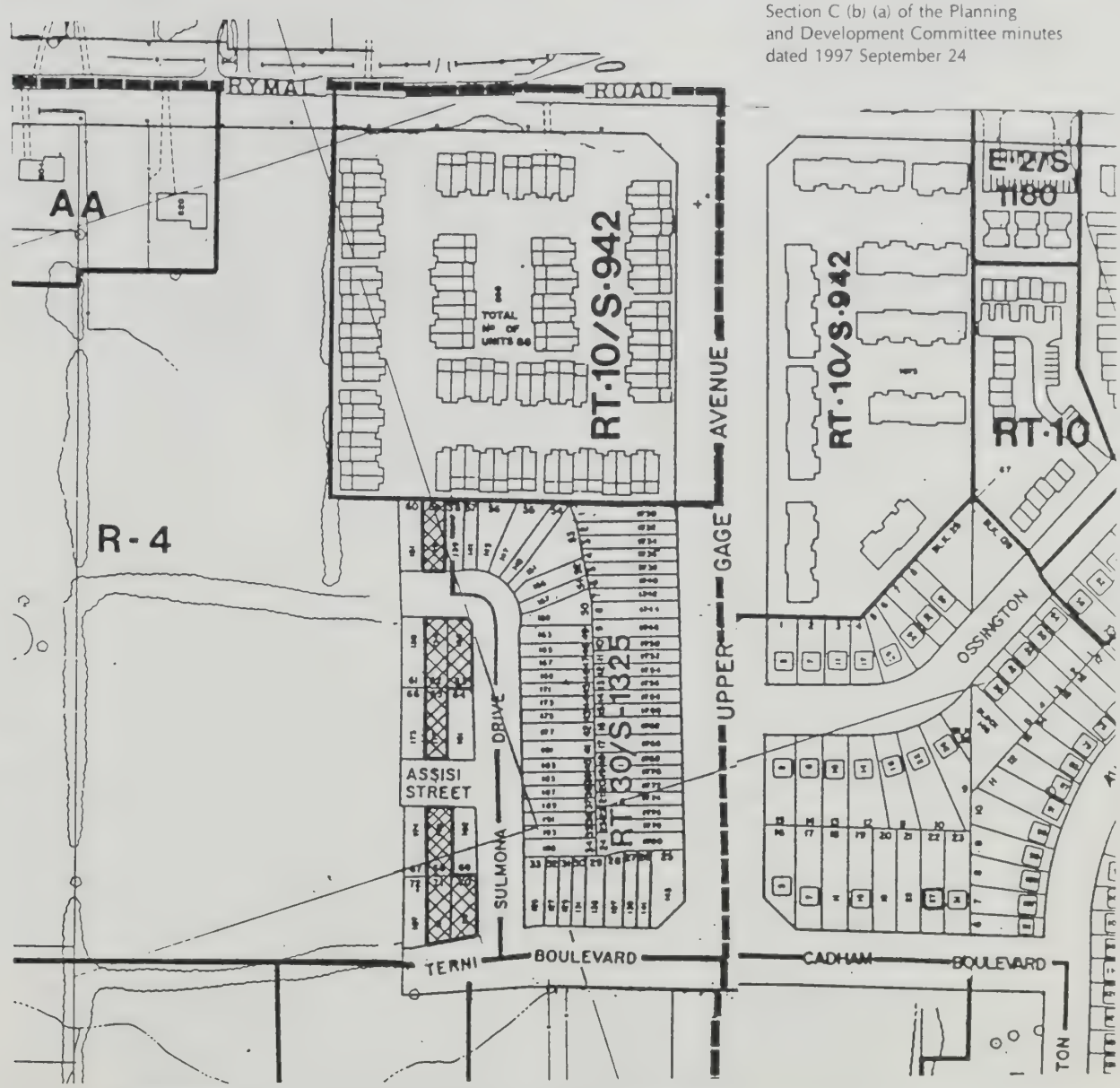
JOHN A. PARENTE
I HAVE THE AUTHORITY TO BIND THE CORPORATION

APPENDIX "A"

Zoning Reference

Appendix "J" as referred to in Section C (a) (a) of the Planning and Development Committee minutes dated 1997 September 24

Appendix "K" as referred to in
Section C (b) (a) of the Planning
and Development Committee minutes
dated 1997 September 24



Legend

Lands subject to part lot control application

Reference File No	
PLC-95-02	
Drawn By	Date
B.B.	Sept. 19
Scale	
Not to Scale	
North	

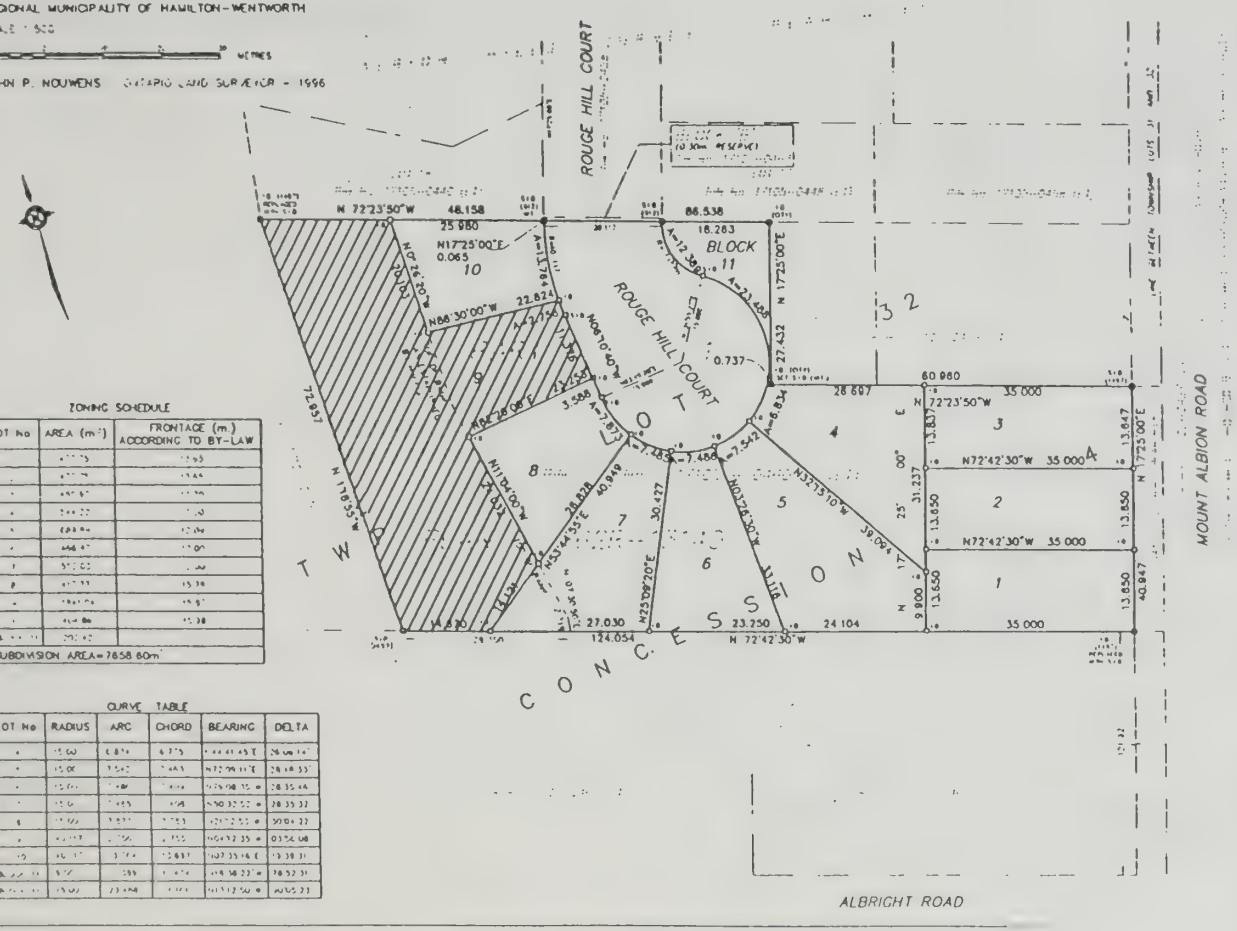
NIT JUL 06 1997

M-812

ROUGE HILL COURT

25T-92010

PLAN OF
KEMP ESTATES
BEING A SUBDIVISION OF
PART OF LOT 32, CONCESSION 4
IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
METRES
JOHN P. NOUWENS ONTARIO LAND SURVEYOR - 1996



ZONING SCHEDULE

LOT No	AREA (m²)	FRONTAGE (m) ACCORDING TO BY-LAW
SUBDIVISION AREA = 7658.80m²		

CURVE TABLE

LOT No	RADIUS	ARC	CHORD	BEARING	DELTA

PLAN 62M-812

CERTIFICATE OF REGISTRATION

I CERTIFY THAT THIS PLAN 62M-812 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HAMILTON-WENTWORTH (No. 62) AT 8:00 O'CLOCK IN THE FORENOON ON THE 8TH DAY OF JULY, 1997 AND ENTERED IN THE REGISTRY FOR PIN 17110-0 (LT) AS NUMBER 62M-812 REQUIRED CONSENTS AND APPROVALS ARE SHOWN ON THE PLAN AND ENDORSED ON THE DOCUMENT AS LT/NSLO/96

d Trowell ADLR
ADMINISTRATOR

APPROVED UNDER SECTION 50 OF THE PLANNING ACT
COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS ____ DAY OF _____ 19__

_____
COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW #93-___

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ALL OF PIN 17110-0 (LT)

LEGEND

- SIB — DENOTES A 16mm DIAMETER STANDARD IRON BAR
- SSIB — DENOTES A 6.35mm DIAMETER SHORT STANDARD IRON BAR
- CC — DENOTES CUT CROSS
- MT — DENOTES MONUMENT
- MO — DENOTES MONUMENT OVER
- ● - FOUND — S - SURVEY

ALL BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF LOT 32 CONCESSION 4 HAVING A BEARING OF N17°25'00"E AS SHOWN ON PLAN 35-965

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT

1. LOTS 1 TO 10 BOTH INCLUSIVE AND THE STREET KNOWN AS ROUGE HILL COURT ARE HEREBY SURVEYED AND SUBDIVIDED AS SHOWN ON THIS PLAN.
2. THE STREET IS HEREBY DEDICATED TO THE USE OF THE PUBLIC AS A PUBLIC HIGHWAY.

JAMES KEMP CONSTRUCTION

June 20/96
DATE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THIS SURVEY WAS COMPLETED ON THE 20th DAY OF June, 1996

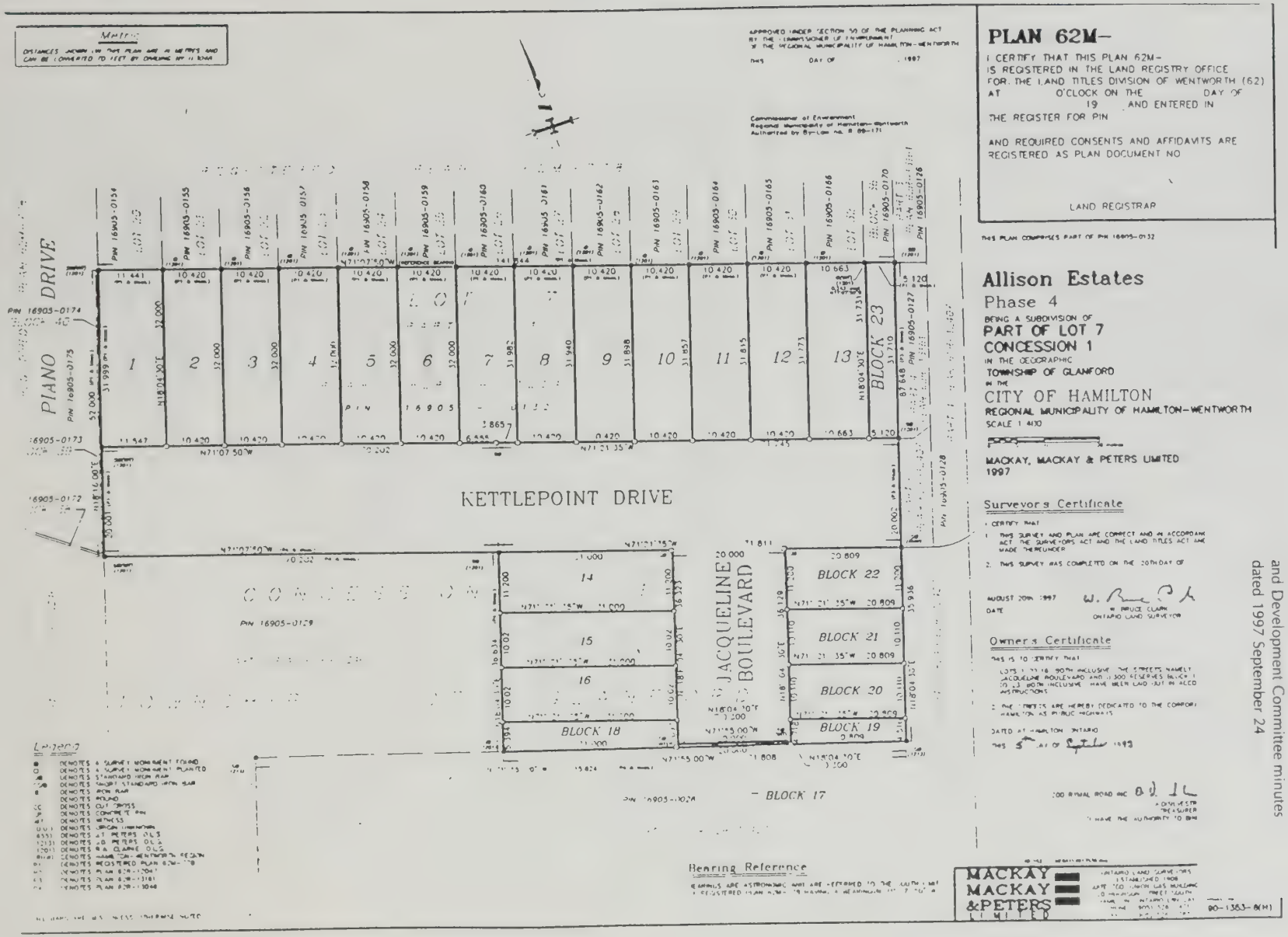
May 6/96
DATE

Ontario Land Surveyor

ASHENHURST NOUWEN
Professional Engineers & Ontario
201-315 YORK BLVD. BRA
HAMILTON, ONTARIO L8R 3K5 CROWNDVE
(905) 529-6318 133 MAIN S
(905) 529-4314 GRIMSBY,
FAX(905) 529-8651 (905)

DRAWN BY: M S | CHECKED BY:
DATE: APR 28, 1996

Appendix "L" as referred to in Section C (c) (a) of the Planning and Development Committee minutes dated 1997 September 24



Appendix "M" as referred to in Section C (g) of the Planning and Development Committee minutes dated 1997 September 24

Wednesday, 1997 September 24
7:30 o'clock p.m.
Council Chambers, City Hall

The Planning and Development Committee met in Special Session

There were present:	Alderman D. Drury, Chairman Alderman F. D'Amico, Vice-Chairman Mayor R. M. Morrow Alderman F. Eisenberger Alderman M. Caplan Alderman G. Copps
Regrets	Alderman Wm. McCulloch, City Business Alderman B. Charters, City Business Alderman H. Merling, City Business
Also Present:	Alderman C. Collins Bill Janssen, Planning and Development Department Caroline Floroff, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Art Zudima, Law Department Kevin C. Christenson, Acting Secretary

PUBLIC MEETING - 7:30 O'CLOCK P.M.

1. **Windermere Basin Study**

The Committee was in receipt of a report dated 1997 September 17 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Chairman welcomed those present and introduced the members of the Planning and Development Committee, City Council and staff.

Caroline Floroff reviewed the report in detail and the Chairman subsequently opened the floor to presentations from the public.

Presentations from the floor were as follows;

(a) **John Olmstead - Hamilton Naturalists Club**

Opposed to recommendation of Option #6.
He suggested that there is sufficient industrial land available without the use of this property.
Options 1 to 5 have good and bad points however Option #4 is the most desirable.

(b) **Mr. Elliot - Beach Strip Resident**

Opposed to recommendation of Option #6.
Suggested that the Hamilton Harbour Commission should be required to clean up the Windermere basin.
Supports only Option #4.

(c) **Brian McCaddy - Hamilton Naturalists Club**

Indicated that the Naturalists Club was part of the review team and indicated that Option #6 was not appropriate for this site. He stated that the Windermere Basin was a gateway to Hamilton and that the Hamilton Naturalists Club agree that Option #4 is the only acceptable option.
He added that the existing contaminants present in certain cells should be contained as soon as possible.

(d) **Burk Ausen - Community Action for the North-End East Neighbourhood**

Supports Option #4. No further industrial land use required or tolerable.

(e) **Brian Lane**

Indicated that there was a lack of green space in the area and that option #4 was preferred as it would help make a good impression on motorists entering the City from along the QEW.

(f) **James Howlett - Hamilton Beach Strip Community**

Noted that there were no representatives from the industrial agencies present at the meeting. Indicated that the Beach Strip Community only supports Option #4.

(g) **Peter Uremko - Area Resident**

Indicated that there were other areas of industrial land available elsewhere and that this area should be restored to its former beauty.
He stated that Option #4 would allow this to happen.

(h) **Louise Knox - R.R.A.P.**

Indicated that significant progress had been made in allowing public access to the harbour shoreline through the efforts of R.R.A.P.

She stated that R.R.A.P. was concerned with the contaminated cells in the area of the Windermere basin.

Alderman Drury thanked those who made presentations and discussion ensued on the options presented in the report.

Following considerable discussion, the Committee approved the following recommendation:

That Option 4 be endorsed in principal and that staff be directed to prepare the appropriate amendments to the Official Plan and Zoning By-law for further consideration by the Planning and Development Committee at a Public Meeting.

2. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson
Acting Secretary

1997 September 24

/mjw

Wednesday, 1997 October 8th
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A (iii)

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling
Alderman G. Copps

Also present:
Alderman T. Anderson
J. Hickey-Evans, Planning Department
V. Abraham, Director of Local Planning
P. Mallard, Planning Department
B. Jannsen, Planning Department
K. Extance, Planning Department
P. Hooker, Law Department
R. Karl, Public Works and Traffic
P. Lampman, Building Department
D. Inglis, Building Department
M. Mascarenhas, Housing
E. Chajka, Roads Department
M. Watson, Real Estate, City Clerk's Office
L. King, Building Commissioner
W. Plessl, Public Works and Traffic
C. Floroff, Planning
Susan K. Reeder, Acting Secretary

1. **Downtown Partnership Planning Task Force**

The Committee was in receipt of the Interim Report dated 1997 October from the Hamilton Downtown Partnership Strategic Planning Task Force.

Ed Fothergill, Chairman of the Strategic Planning Sub-Committee, Hamilton Downtown Partnership spoke to the Committee with respect to the Interim Report, and outlined the steps of public consultation which will be taken in the Strategic Planning process. He stressed that it is important to keep the lines of communication open between the Task Force and City Council, and added that a further update report will be coming to the Planning and Development Committee in the new year.

The Committee then thanked Mr. Fothergill, and other members of the Task Force in attendance, for the update presentation, and the Interim Report for 1997 October was received.

PUBLIC MEETINGS

2. **Zoning Application 97-26, by Alexander Street Lofts Development, prospective owner, for a change in zoning from "D" district to "DE" district for property located at 220 Dundurn Street South.**

The Chairman advised those present that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a public hearing.

The Committee was advised that the circularization results were 14 in favour and 10 opposed.

Mrs. Shephard of 432 Charlton Avenue West spoke to the Committee and indicated that she enjoys the privacy now in her backyard, and fears that with this proposal that balconies will be overhanging her backyard. She also questioned what would happen to the large trees on her lot line.

Tom Scott of 430 Charlton Avenue West also spoke to the Committee and indicated that he too shared the same concerns as Mrs. Shephard.

The resident at 465 Charlton Avenue West also supported Mrs. Shepard's comments and also stressed concerns about the trees on the property lines.

The applicant responded to the Committee and indicated that the setback of the buildings will address the concerns, as will the designs. He added that these units will be sold units and not rentals.

One resident indicated that there are now chain link fences inside of the property line and questioned whether the abutting owners can claim "squatters rights" on this portion of land.

The applicant responded to indicate that a new fence will be built, that green space and large trees will remain. He also added that there will be a pool area and that high traffic areas will be kept to the inside of the development.

Alderman Caplan requested that this matter be tabled until the next meeting in order that he can meet with all concerned to arrive at a mutually agreeable solution.

3. **Official Plan Amendment and Zoning Applications 97-27, by Barriview Developments Limited, owner, for a further modification in zoning to the established "HH" district for lands located at 880 Upper Wentworth Street.**

The Committee was advised that the circularization response was 10 in favour and 13 opposed.

The resident at 870 Upper Wentworth spoke to the Committee and indicated her opposition to the application. As a condominium owner she is concerned about the fumes, and when they purchased their unit they were assured that a restaurant would not be located within the Plaza. She added that they are concerned about the traffic and the parking. The residents of her condominium are mostly seniors, and she gave reference to the petition of opposition from the condominium owners.

Alderman Merling spoke to the Committee and gave reference to this petition and distributed copies to the Committee members for their information.

The applicant responded to the comments of the neighbours and indicated that this particular plaza is one of only a few plazas where restaurants are not permitted. He added that he does not plan for a large restaurant, but rather something in size to a Bagel Place. He also added that any traffic would not be a noticeable increase. He indicated that the Plaza has respectable tenants now and that he and his company are the same owners who built the Plaza.

Alderman Merling spoke to the Committee respecting the history of the Plaza and the Condominium development. He indicated that the plaza is a small shopping centre and that there are five other similar centres in the area, and that none of them have restaurants.

The Committee then agree to deny this application as follows:

That Zoning Application ZAC-97-27, Barriview Developments Limited, owner, for an Official Plan Amendment and for a further modification in zoning to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 880 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", be denied on the following basis:

(i) The application conflicts with the general intent of the Official Plan;

(ii) The application conflicts with the approved Bruleville Neighbourhood; and,

(iii) The proposed restaurant would not be compatible with the abutting residential uses.

4. **Rental Housing Protection Act Application, DE-97-001, 11 Emerald Street South**

As recommended in a report dated 1997 September 24 from the Director of Planning and Development and the Chief Administrative Officer, the Committee recommended to Council as follows:

(a) That approval be given to Application DE-97-001, under the Rental Housing Protection Act, 1190771 Ontario Inc., owner, for the demolition of an 8-unit rental apartment building located at 11 Emerald Street South, subject to the following conditions:

(i) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the RHPA application; and,

(ii) That the Owner provide the City Solicitor with satisfactory evidence that there are no outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Solicitor be authorized to request that the City Clerk execute the RHPA Certificate of Approval.

5. **Official Plan Amendment and Zoning Applications 97-22, by Kaz Kusmlerczak, prospective owner, for a modification in zoning to the established "C" district for lands located at 245 Mohawk Road West.**

Two residents were in attendance to ask questions about the development. The proposed owners expressed concern about the determination of the floor space being made by the Planning staff with the inclusion of the cellar area. Considerable discussion then ensued on this calculation as it affected the parking requirements.

The resident at 94 Edwalder Crescent spoke and indicated that his home is being the applicant's property. He indicated that he is not opposed to the application and questioned how many parking spaces will be on the property.

The resident at 110 Marlo Drive spoke and indicated concern at the area loosing its residential status. In this regard, the Chairman clarified that this location is a commercial zoning, and not residential.

The applicant addressed the Committee and indicated that landscaping can address the residential aesthetics. He added that the use of the cellar and the ability to expand are critical to the viability of his use of this property.

As a result of this discussion, it was agreed that this matter be tabled for two weeks in order that staff and the applicant could meet to come to a mutually agreeable solution on this matter.

6. **Zoning Application 97-29, by 839891 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "C" district to "R-4" district for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive. ZAC-97-29/SAR-97/05**

With respect to the circularization, 23 notices were sent, 5 in favour, and 0 opposed.

Ed Fothergill spoke in support of this proposal, as well as Mr. DiSilvestro, owner of the property. They advised that they believe that the mix of residential is maintained, and they spoke about the marketability of R-4 zoned dwellings. Mr. DiSilvestro indicated that these units sell very well as they are geared to young families and first time home owners. He added that the Official Plan and the Neighbourhood Plans are designed to include this type of housing.

Alderman Merling addressed the Committee and indicated that he and his Ward partner and the residents of the area support the proposal.

The Committee then agreed to overturn the staff recommendation of denial, and approve the application as follows:

(a) That approval be given to amended Subdivision Application SAR-97-05, 839891 Ontario Inc. (A. DiSilvestro, President), owner, for 76 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Ltd. and certified by J.P. Wooley, O.L.S., dated June 23, 1997, showing 76 lots for single detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands, 1 block for parkland and to construct 3 streets, attached as Appendix "B".

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act.

(v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(vii) That a 2m by 2m daylight triangle be shown on the final plan of subdivision for road purposes on Lot 65.

(viii) That the east-west portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 3".

(ix) That the north-south portion of Jacqueline Boulevard must align centreline-to-centreline with Jacqueline Boulevard in "Allison Estates - Phase 4".

(x) That Meadowpoint Drive must align centreline-to-centreline with Serena Drive in "Allison Estates - Phase 3".

(xi) That Magenta Court must align centreline-to-centreline with Magenta Court in "Allison Estates - Phase 3".

(xii) That 15m radius transitions be provided into and out of the bulb adjacent to Lots 7 and 14 (inclusive) on Jacqueline Boulevard.

(xiii) That no portion of the plan be developed until a second public street access is established, constructed and connected over Kirkfield Road to Spingside Drive.

(xiv) That the development phasing of this subdivision be to the satisfaction of the Regional Environment Department and the City of Hamilton Department of Public Works and Traffic.

(xv) That the owner terminate any open side of the road allowance or deadends in 0.30 metre reserves.

(xvi) That Blocks 78, 79, 80, 81 and 82 be developed in conjunction with Registered Blocks 18, 19, 20, 21 and 22, Registered Plan 62M-823 ("Allison Estates - Phase 4") respectively.

(xvii) That Block 77 be dedicated to the City of Hamilton by deed for park purposes.

(xviii) That prior to the conveyance of Block 77 for park purposes, the block will have been remediated with respect to soil contaminates and any archaeological remains will have been removed to the satisfaction of the appropriate Provincial Ministry, the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.

(xix) That Block 77 be graded and planted to the satisfaction of the Commissioner of Environment and the Manager of Parks, Parks Division, Department of Public Works and Traffic.

(xx) That the owner prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. The approved plan will include the following:

(1) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of Authority staff;

(3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable mulch and seed cover within 7 days of the completion of that particular phase of construction;

(4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

(xxi) That the owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager of Development, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

(xxii) That the owner provide temporary turn arounds at the westerly limits of Meadowpoint Drive and Jacqueline Boulevard to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic.

(xxiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xxiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97012), 839891 Ontario Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(d) That approval be given to Zoning Application ZAC-97-29, 839891 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District to permit small lot single family dwellings (minimum lot width of 10 m), for lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of Upper Wellington Street and east of Springside Drive, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District;

(ii) That the Director of Planning and Development be authorized to prepare a By-law to the satisfaction of the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;

(iii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

7. DIRECTOR OF PLANNING AND DEVELOPMENT

Endorsement of CityView, Hamilton Official Plan Review.

Alderman Caplan commended the Department for the work they have done on this project. He asked if this information could be added to the City's web site, and Mrs. Hickey-Evans advised that it could, and that some of the brochures have already been added to the City's web site.

Alderman Charters also mentioned that the Downtown should be considered as one entity.

As recommended in a report dated 1997 September 24 from the Director of Planning and Development and the Chief Administrative Officer, the Committee recommended to Council as follows:

That CityView, attached hereto, and marked Appendix "D", be endorsed as the guiding direction and policy framework for the development of Hamilton's new Official Plan.

8. BUILDING COMMISSIONER

(a) **Enforcement of By-law #84-34 with respect to Naturalized Areas on Privatized Property.**

As recommended in a report dated 1997 September 29 from the Building Commissioner, the Committee recommended to Council as follows:

That the City Solicitor be authorized and directed to amend By-Law 84-35 as follows:-

(a) That Section 1 of By-law 84-35 be amended by adding the following definitions:

(i) "buffer strip" means a minimum 1.0m (3.28') wide border that surrounds a wildflower, meadow, or naturalized area on an occupied residential property.

Without restricting the generality of the foregoing, such a border may include:

1. turf grass
2. non-organic ground cover
3. organic ground cover, ie. hedges, etc., to a maximum height of 60cm (24"); and,

(ii) "turf grass" means a regularly maintained area to a maximum height of 20cm (8") consisting of a desirable turf grass species such as blue grass, fescue, and perennial ryes; and,

(b) That Subsection (4) of Section 2 be amended to include the following:

...in height" in defined turf grass areas. Wildflower, meadow and naturalized areas are permitted provided they do not encroach within a 1.0m (3.28') buffer strip of the lot line and that the areas are managed under the Weed Control Act (R.R.O. 1990).

Note: Alderman D'Amico and Alderman Charters opposed.

(b) **Interim Report - Highrise Inventory Assessment (Information)**

The Committee was in receipt of the above noted Information Report entitled "43 Forest Avenue - Brick Failure" which was circulated at the meeting. The Building Commissioner spoke to the Committee in this matter. The Committee agreed to receive this document for information purposes.

9. **REFERRAL BACK BY CITY COUNCIL**

Official Plan Amendment No. 141 and Subdivision Application 97-04 for a draft plan of subdivision "Paradise Meadows" on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road.

The Committee was in receipt of correspondence to advise that the above noted matter had been referred back by City Council at its meeting held 1997 September 30th.

Sergio Manchia of Planning and Engineering Initiatives Ltd. was in attendance and spoke on their application.

The Committee agreed to approve the following for presentation to City Council:

(a) That approval be given to Official Plan Amendment No. 141 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on Appendix "E" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as Appendix "F" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated June 9, 1997, showing 244 lots for single detached dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as Appendix "G".

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development.

(v) That the final plan conform with the Zoning By-law approved under the Planning Act.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(viii) That Blocks 261 and 262 be developed in conjunction with the adjacent lands.

(ix) That Blocks 245 and 260 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the

future extension of Garth Street and that Blocks 245 and 260 be developed in conjunction with the abutting lands.

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department.

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

(xiii) That if the development of Blocks 259 and 260 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic.

(xiv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A.

(xv) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m.

(xvi) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances.

(xvii) That Street G be established at 20m instead of 18m.

(xviii) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width.

(xix) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision.

(xx) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m.

(xxi) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on Appendix "H" to the

satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department.

(xxii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street.

(xxiii) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant.

(xxiv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes.

(xxv) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J.

(xxvi) That the street line adjacent Lots 223, 224, 225 and 226 be realigned to provide a straight transition into the cul-de-sac bulb.

(xxvii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

(xxviii) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of

the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented.

(xxix) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xxx) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(e) That the approved Carpenter Neighbourhood Plan be amended, as shown on Appendix "H", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

Note: Alderman Copps opposed

10. **TABLED FROM THE PREVIOUS MEETING**

Request for a change in zoning - 87, 89, 91, 93 and 95 Wellington Street North and 216 Wilson Street

The Committee was in receipt of a report from the CAO and the Director of Local Planning dated 1997 October 1 respecting the above noted matter. The Committee approved the following:

(a) That as per the Planning and Development Committee's recommendation of 1997 June 18, the following resolution be forwarded to Council:

That approval be given to amended Zoning Application 97-06, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District modified, to construct a four (4) storey 12 unit apartment building, for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That the lands be rezoned from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District;

(ii) That the "DE-2" (Multiple Dwellings) District regulations, as contained in Section 10B of Zoning By-law No. 6593, applicable to subject lands, be modified to include the following variances as special provisions:

(a) That notwithstanding Section 10B (2)(ii), no building or structure shall exceed four (4) storeys and 16.5 m in height;

(b) That Section 10B (3)(i)(b), shall not apply to the subject lands;

(c) That notwithstanding Section 10B (3), the following yards shall be provided and maintained:-

(i) a side yard of a depth not less than 1.7 m shall be provided along the entire southerly boundary of the subject lands;

(ii) a rear yard of a depth not less than 3.0 m shall be provided along the entire westerly boundary of the subject lands;

(d) That notwithstanding Section 10B (5), a maximum gross floor area of 1,384.0 m^2 (14,900 S.F.) and twelve (12) units shall be permitted on the subject lands;

(e) That notwithstanding Section 18A (1), nine (9) parking spaces shall be provided and maintained on the subject lands;

(f) That notwithstanding Section 18A (1)(c), one (1) loading space at 9.0 m x 3.0 m x 4.3 m shall be provided and maintained on the subject lands;

(g) That notwithstanding Section 18A (7), only one (1) parking spaces at 2.7 m x 5.7 m shall be provided and maintained on the subject lands;

(h) That notwithstanding Section 18A (11), the boundary of the parking area will be 1.35 m (4.5 feet) from the adjoining residential district boundary and 5.85 m (19.19 feet) from the northerly property line;

(i) That Section 18A (12)(c), shall not apply to the subject land;

(j) That Section 18A (32) & (33), shall not apply to the subject lands;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1390, and the subject lands on Zoning District Map E-4 be notated S-1390; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council; and,

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

11. **CONSENT AGENDA**

The Committee was in receipt of its Consent Agenda and approved the following:

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meetings held on 1997 September 24 and the evening session on 1997 September 24 were adopted as circulated to the Members.

B. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **Proposed Site Plan Control By-law for lands located at No. 787-791 Barton Street East.**

As recommended in a report dated 1997 September 22 from the Director of Planning and Development and the Chief Administrative Officer, the Committee recommended to Council as follows:

That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 787-791 Barton Street East, as shown on the attached Appendix "J", and that the Director of Planning and Development be directed to prepare a By-law, to amend By-law No. 79-275, for presentation to City Council.

(b) **"Silvana Gardens", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication).**

As recommended in a report dated 1997 September 29 from the Director of Planning and Development and the Chief Administrative Officer, the Committee recommended to Council as follows:

That the City of Hamilton accept the sum of $ 46,000.00 as a cash payment in lieu of the 5% land dedication in connection with "Silvana Gardens", Hamilton being the cash payment required under Section 51 of the Planning Act.

12. IN CAMERA AGENDA

The Committee was in receipt of its In Camera Agenda and approved the following:

Sale of 140 Nebo Road (Hamilton Mountain Industrial Park No. 1) to 779391 Ontario Limited

(a) That an Offer to Purchase 140 Nebo Road for the price of $100,500, executed by 779391 Ontario Limited (Donald B. Cowie, President), dated 1997 September 15, be accepted. The said lands having a frontage on the westerly limit of Nebo Road of 61.03 metres (200.23 feet), by a depth of 132.07/134.69 metres (433.31/441.89 feet) and containing an area of 0.812 hectares (2.01 acres), being Lot 18, Plan M-227, Hamilton Mountain Industrial Park No. 1, said transaction scheduled to close on 1998 February 9. Funds derived from this sale less commission be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,

(b) That this transaction includes special building covenants, agreements and restrictions, which are set out on the pages attached herewith and marked Appendix "K", which terms shall be included in the Committee's resolution to City Council; and,

(c) That this Offer be conditional for thirty (30) days from date of acceptance for the sole benefit of the Purchaser to carry out his engineering and architectural plans for the erection of a new building to be constructed and for the Purchaser, in its sole discretion, to be satisfied with the results of such studies. The Purchaser shall have the right to conduct soil tests and to have access to the property to conduct all such tests and studies. Failing which this offer shall become null and void and the Purchaser's deposit to be refunded in full without deductions of any kind; and,

(d) That upon successful completion of this sale, a real estate commission of 6% of the $100,500 sale price, plus GST, be paid to Blair, Blanchard, Stapleton Limited (Sales representative Gary Stapleton), who acted in this matter; and,

(e) That the required deposit cheque in the amount of $5,000 be held by the City Treasurer pending Council approval; and,

(f) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(i) satisfactory notice has been given to the public of the intended sale;

(ii) no appraisal of the fair market value of the real property being sold was obtained as the lands are exempt from the appraisal requirements of Section 193 of the Municipal Act.

13. **OTHER BUSINESS**

ADDED - LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE - HERITAGE PERMIT FOR PROPOSED ALTERATIONS/ADDITION AT 90 MARKLAND STREET (DURAND-MARKLAND HERITAGE CONSERVATION DISTRICT)

The Committee was in receipt of an added report from the Secretary of L.A.C.A.C. dated 1997 October 7th, respecting the above noted matter. The Committee approved the following:

That a Heritage Permit be approved for the following exterior alterations/addition to the building at 90 Markland Street (designated under Part V of the Ontario Heritage Act), as shown on the drawings of the north, east and west elevations dated 1997 September 19 attached hereto and marked as Appendix "L":

(a) a one-storey addition to the rear of 90 Markland Street by raising the roof; and,

(b) the addition of a dormer (east side), skylights (west side) and window (north side); and,

(c) removal of chimney;

with the following conditions:

(i) that the dormer be made of wood, modelled on the dormer at the front of the house; and,

(ii) that unless closely matching stone can be found, it would be more appropriate that the addition be of board and batten.

ADDED - REPORT - CITY SOLICITOR - RENDERING PLANTS

The Committee was in receipt of an Information Report from the City Solicitor respecting Rendering Plants.

Mr. Paletta, Vice-President, Paletta International Corporation, as well as Scott Snider, agent for Paletta International Corporation were in attendance at the meeting to speak regarding their application to locate a Rendering Plant at 281 Birch Avenue.

The Committee then moved In-Camera to discuss this matter.

The Committee then moved back into regular session, and indicated that a Special Meeting of the Planning and Development Committee would be held prior to City Council on Tuesday, 1997 October 14th to discuss this issue.

14. **ADJOURNMENT**

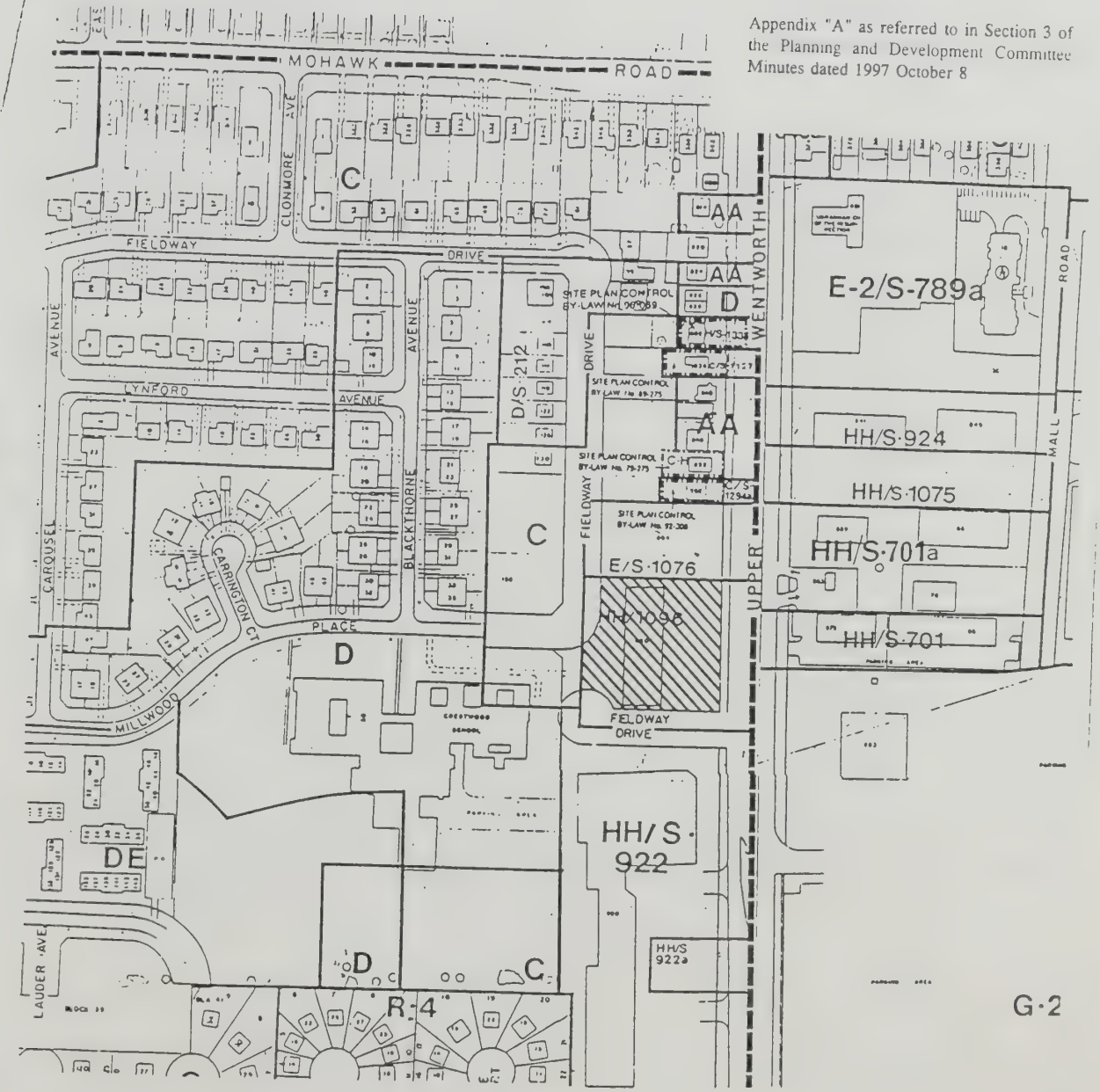
There being no further business, the Committee meeting adjourned.

Taken as read and approved,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan Reeder,
Acting Secretary
1997 October 8th

Appendix "A" as referred to in Section 3 of the Planning and Development Committee Minutes dated 1997 October 8

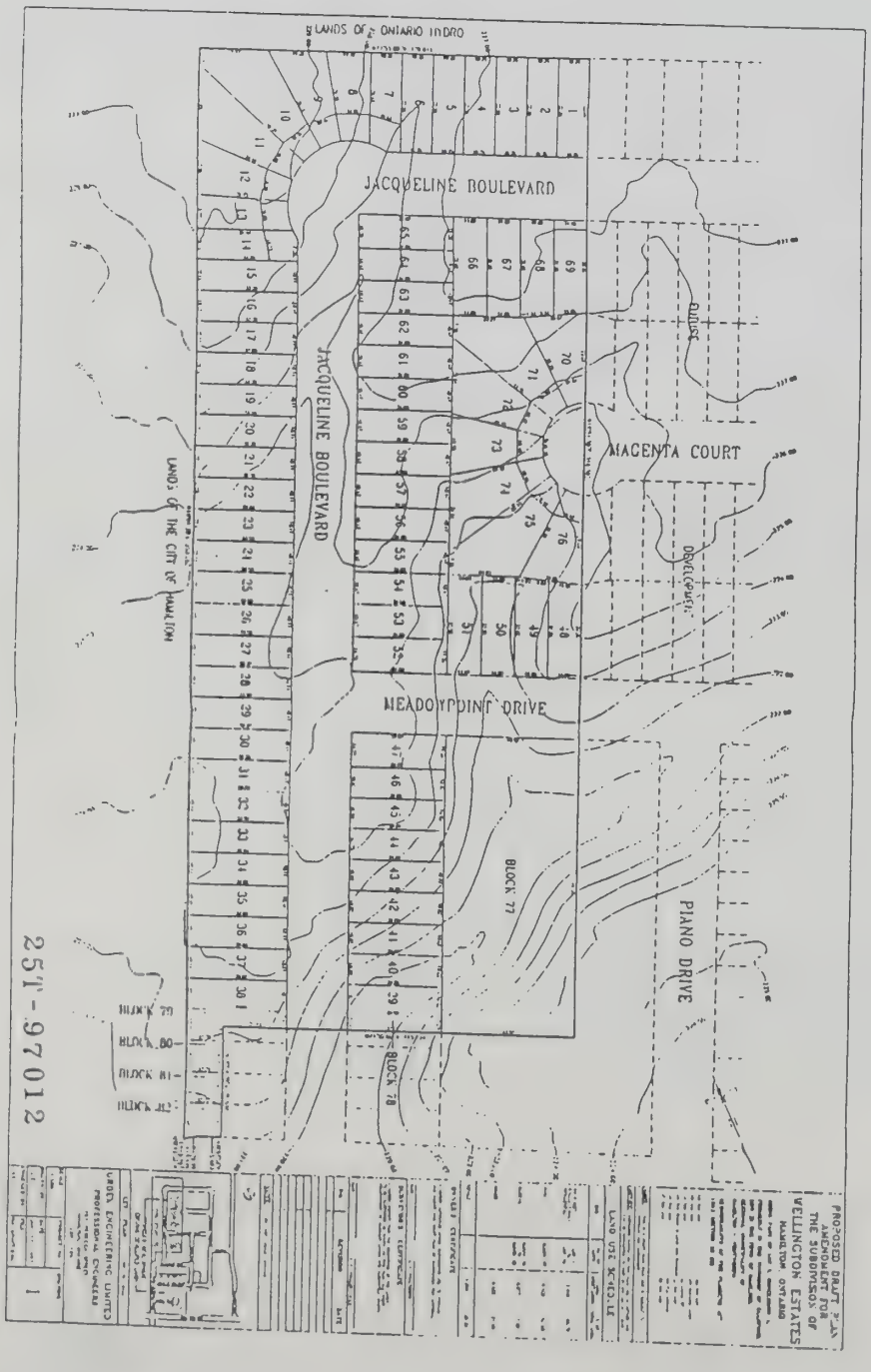


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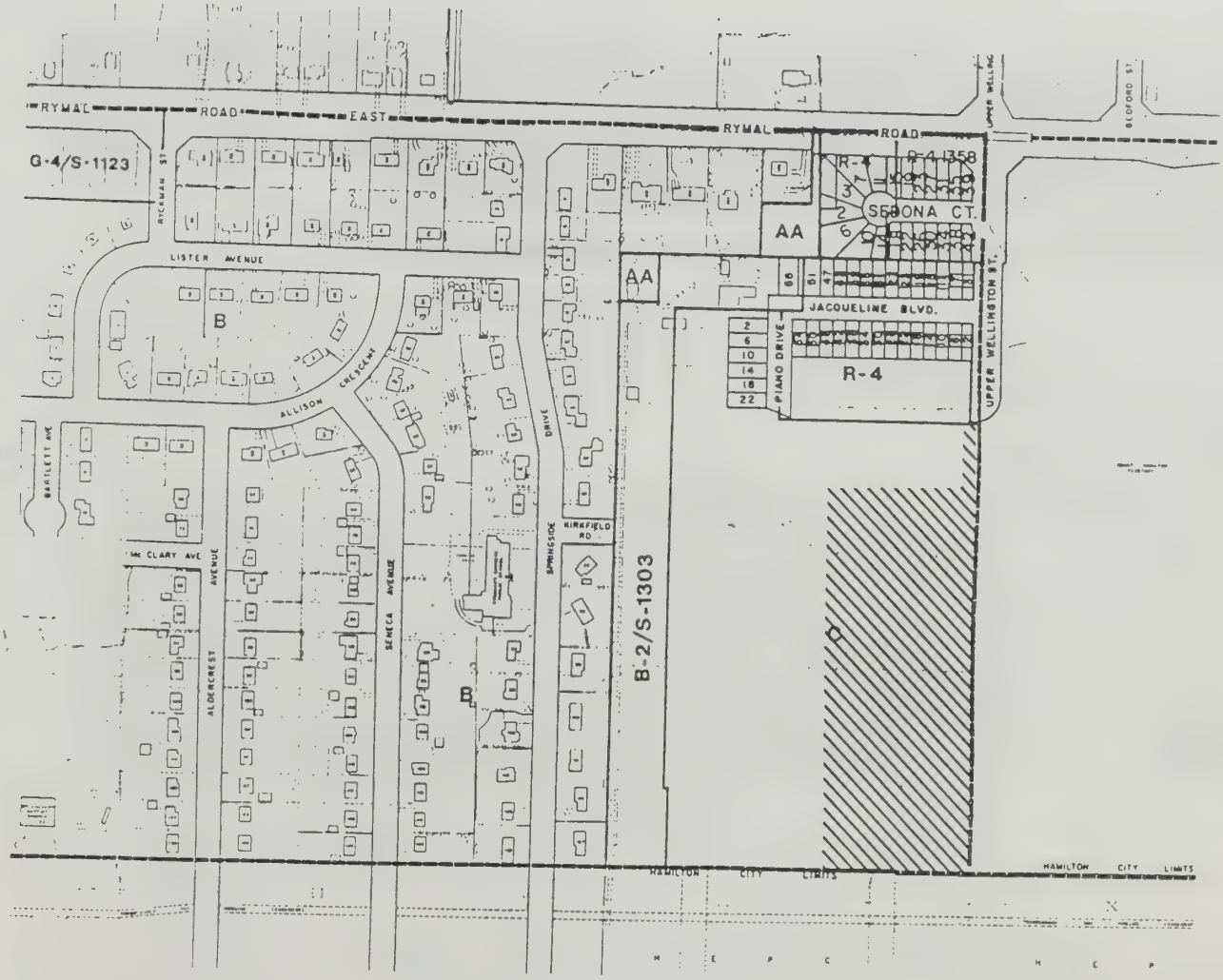
Site of the Application

ZAR-97-27

Appendix "B" as referred to in Section 6(a)(i)
of the Planning and Development Committee
Minutes dated 1997 October 8



Appendix "C" as referred to in Section 6(d)
of the Planning and Development Committee
Minutes dated 1997 October 8



Legend

Site of the Application

ZAC-97-29

Appendix "D" as referred to in Section 7 of the Planning and Development Committee Minutes dated 1997 October 8

HAMILTON'S PLAN FOR

CITYVIEW

City of Hamilton Planning and Development Department 1997

WHAT IS YOUR CITYVIEW ?

IT'S HERE!

APPENDIX " "

In 1996, the City of Hamilton published a series of 24 background brochures describing a variety of city planning ideas, issues and concerns facing our community. At that time, we asked for your goals, ideas and thoughts for Hamilton in the future - what is your City View?



After talking and listening to many citizens, neighbourhood associations, businesses and community agencies, our City View of Hamilton will unfold over the coming pages.

What is CityView?

The City View is a vision that represents the collective values of our community. City View describes where we want to be in the future. The City View is being used to create Hamilton's key city planning document - the Hamilton Official Plan. The Official Plan is Hamilton's blueprint for the future. The Official Plan guides and shapes development in the City of Hamilton. It is the document that outlines where and how the City will grow and change.

City View is woven around six important and interconnected city planning themes. Each of these themes details a specific vision and outlines objectives for the City of Hamilton to achieve over the coming years. These objectives will contribute to creating a better living environment for the residents of Hamilton into the 21st Century.

Our City View is here! Let's embrace it and create a vibrant, healthy and attractive city through planning today for tomorrow.

Downtown

Since 1846, Downtown Hamilton has been the commercial, cultural, social and historic centre of Hamilton. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton is its clearly identifiable city centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in the Hamilton metropolitan area. The strength and vitality of Hamilton's Downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton to the betterment of their entire community.

Downtown CityView

"The Downtown is a community where people wish to live, work and visit."

The City of Hamilton has successfully created an environment which brings a greater number of people to live, work and visit Downtown. Through consumer expenditures and business investment, Downtown Hamilton is a strong, self-sustaining and viable community. As well, our future vision for the downtown incorporates all of the positive elements relating to heritage, economic base, infrastructure, neighbourhoods and community well-being.

Objectives

Enhance the Downtown as a safe and unique community and as the heart of the City and broader metropolitan area.

Encourage preservation and enhancement of the significant heritage resources in the Downtown.

Encourage and assist in the rehabilitation of buildings and/or new development in the Downtown to ensure their long term economic viability through innovative planning mechanisms, for example, a development permit system.

Focus municipal efforts on provision of streetscaping improvements, coordination of planning and development activity, and municipal services and infrastructure.

Promote continued development of the Downtown as the primary business, office, public transit, cultural, entertainment and administrative centre of the City.

Provide clear direction to the development industry on the desired visual and aesthetic character of the Downtown

Neighbourhoods

Hamilton is a community of neighbourhoods, each with a unique character. We have a downtown neighbourhood, newer suburban neighbourhoods and older traditional urban neighbourhoods. Within these neighbourhoods there are different types of homes - apartments, townhouses, single-detached dwellings. There are curved street patterns and grid or block street patterns. There are large community parks and small neighbourhood parks. There are schools, libraries and other community facilities. Our neighbourhoods are a mix of all these uses. More importantly, our neighbourhoods are safe places where people can feel a sense of place and community ownership.

Over the past years, we have seen neighbourhoods in our community that have flourished, some that have declined and still others that have remained stable. There have been factors that have contributed to this including lifestyle choices, demographics and employment trends. Also, the diversity and individual uniqueness of Hamilton's neighbourhoods have become more apparent. Our city needs to embrace the diversity of neighbourhoods.

Neighbourhoods CityView

The character of our neighbourhoods has been strengthened and recognized. Citizens have the opportunity to stay in their neighbourhood or move to other parts of the City as lifecycle needs and wishes change.

Home-based businesses have been effectively integrated within neighbourhoods without adverse effects on the surrounding residential community. Walking and bicycling are more prevalent than using the car. Neighbourhoods are aesthetically attractive, clean, and safe.

Redevelopment and infill developments have maximized the use of the City's investment in existing roads, sewers, waste facilities, schools and recreational facilities, while fitting in to the existing character and scale of the neighbourhood.

Objectives

Recognize the strength of our neighbourhoods by:

- Identifying and promoting the historical and architectural factors that make our neighbourhoods unique;
- Encouraging the continued availability of different housing types while retaining neighbourhood stability;
- Supporting the retention, expansion or establishment of our community, recreational, cultural and educational facilities as the focus of the neighbourhood;
- Promoting and actively seeking the involvement of residents in the local planning process; and
- Promote sensitive and appropriate development and redevelopment within neighbourhoods through the:
  - → adaptive re-use of underutilized buildings;
  - → infilling of vacant lots;
  - → establishment of alternative and more flexible development design standards; and
  - → encouragement of home-based businesses without disrupting the community character.

Natural Heritage

Our natural heritage is all around us. It consists of water, lakes, streams, shorelines, areas of natural and scientific interest, wetlands, marshes, the Niagara Escarpment, trees, forests, plant and animal habitats. These areas provide a home for wildlife and plants, and they are vital to human life and health.

Human activities have had an impact on our environment - the clean-up of Hamilton Harbour shows we each must be stewards of our environment. Some Environmentally Significant Areas (ESA's) have been lost while other areas of the City have been subject to erosion and flooding.

Natural Heritage CityView

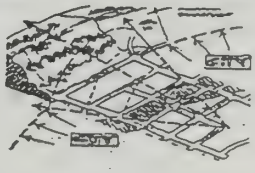
The natural areas of our community have been protected, preserved, and enhanced. City planning policies and objectives effectively manage change within the community and produce environmental benefits.

The Remedial Action Plan and the on-going work of the Bay Area Implementation Team and the Bay Area Restoration Council have resulted in the improvement of water quality and the overall natural habitat in Hamilton Harbour. The Hamilton Harbour and the Lake Ontario shoreline are community assets accessible to all.

Environmentally Sensitive Areas which include marshes, wetlands, the Niagara Escarpment and woodlots have been protected and preserved for future generations. There are no adverse impacts from adjacent and abutting developments.

An extensive pedestrian trail system with many links has been completed throughout the City.





Objectives

Improve the quality of groundwater, streams, creeks and the Hamilton Harbour by: 1) incorporating storm water management practices through the use of ponds, adopt-a-puddle and rain barrels; 2) utilizing a watershed planning approach in facilitating new development; and 3) supporting and encouraging the activities and efforts outlined in the Hamilton Harbour Remedial Action Plan.

Manage our natural heritage environment by: 1) ensuring any adjacant development does not adversely affect the natural integrity of Environmentally Significant Areas, wetlands and woodlands; 2) protecting animal and plant habitats; and 3) promoting a system of linkages between our natural heritage features through the use of trails, pathways and parks.

Explore alternative land use arrangements that would minimize travel by car. This would improve air quality by reducing vehicle emissions.

Economic Base

One of the keys to a healthy, dynamic city is the strength, diversity and success of the community's economic base. The challenge for the City of Hamilton is to be aware of broad market and economic trends and co-operate with the business community in their efforts to achieve on-going efficiencies and long-term profitability

The economic base of the City of Hamilton has changed and there are a number of city planning implications arising from these changes.

- Though still a major employer, the manufacturing industrial sector is no longer as prominent in the community as it once was. This has resulted in many vacant and underutilized buildings and lands where soil contamination may be an issue.
- Traditional commercial retail strips along Hamilton's major thoroughfares have experienced difficulties as the population in adjacent neighbourhoods declines and newer suburban shopping malls provide formidable competition.
- More people are working out of their homes and this will continue to expand.
- Traditional industrial neighbourhoods are no longer occupied exclusively by industrial type uses. The East Mountain Industrial-Business Park, for example, is attracting non-traditional retail establishments and office uses.

Economic Base CityView

A strong base of employment opportunities for Hamilton residents has been created, contributing to the long-term viability of the community. The City is aware of broad economic trends and their local planning implications and provides a flexible planning framework to facilitate change. There are many geographic areas suitable for a variety of employment opportunities.

Objectives

Facilitate people working out of their homes without negatively affecting the quality-of-life in residential neighbourhoods.

Promote flexibility for different employment types in the City's industrial neighbourhoods.

Ensure that market sensitive planning regulations are established to promote the re-use of vacant and underutilized industrial lands

Promote the Port of Hamilton and specific districts within the Bayfront Industrial Area as the location for new manufacturing and recycling industries.

Work with retail merchants and Business Improvement Areas to strengthen their economic viability and market competitiveness of commercial retail areas. Develop a market niche for these areas to ensure long-term success

Community Well-Being

Livability is the key to successful cities. Although Hamiltonians enjoy a high standard of living, there are increasing concerns regarding safety, noise, environmental quality, traffic congestion and other factors that affect the quality-of-life we enjoy. In addition, the traditional assumptions or principles about developing new neighbourhoods have changed. Much of the planning for new areas in recent decades was based on the notion of the traditional nuclear family, with dad commuting to work in the downtown and mom staying at home, with the children walking to school and coming home for lunch, along with a small commercial plaza nearby for milk and groceries.

Today, mom and dad may both work, perhaps commuting to another city. They pick up their groceries at a retail warehouse store and the children may attend school in a different neighbourhood because that is where the day care provider lives. These new social realities have to be considered in the planning and design of our new neighbourhoods.

Community Well-Being CityView

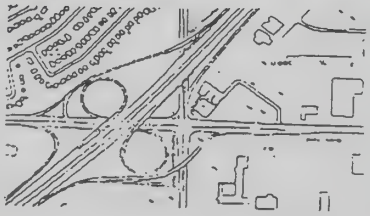
Streets are more than utility corridors for motor vehicles. The street and streetscape are the critical design element that shape the quality of the community's environment. There are clear street patterns that provide pedestrian, bicycle, and transit access without sacrificing privacy and safety. On the Hamilton Mountain, the classic suburb has become a community, not just an agglomeration of houses, shops and offices connected by cars. Real and meaningful public spaces have been developed and complement the semi-public space of the shopping mall. The City's layout has been reworked to reduce people's dependence on the automobile. Strolling, walking and mingling with neighbours is possible!

Objectives

- Minimize traffic congestion and reduce journey to work/travel times.
- Ensure all neighbourhoods are fully developed without vacant parcels, i.e., institutional sites/local commercial sites.
- Recognize public art as a desirable element of the streetscape and urban form.
- Provide commercial and retail opportunities for residents in their own neighbourhood.
- Provide greater employment opportunities for the residents of Hamilton.
- Create friendly streets through the implementation of traffic calming measures and urban design.
- Enhance the design and streetscape elements of the City; promote pedestrianisation.
- Maintain, enhance and promote the heritage resources of the community.
- Recognize and plan for community level facilities/amenities that serve areas beyond the immediate neighbourhood (e.g., community level sports parks, Hamilton Place).

Infrastructure

Infrastructure is a broad, generic term for a number of different features of our urban environment. Colloquially known as "flush, gush and drive", infrastructure in our community is both visible and invisible in our daily lives. It encompasses the roads we travel on, the water we drink in our homes, the rainwater that drains from our streets into the catchbasins and the waste water from our sinks, showers and toilets.



An efficient and easily adaptable infrastructure is essential for community well-being, economic stability and future urban growth and development. However, maintaining the existing infrastructure and providing for new infrastructure requires a considerable financial commitment from various levels of government and from proponents of new development.



Infrastructure City View

The full use of the urban infrastructure has been maximized, capitalizing on the financial investment made in previous years.

Alternative infrastructure standards for new development reduces the required financial commitments, yet, at the same time, provides a comparable level of service for Hamilton consumers and businesses.

The standards or guidelines for the various components of infrastructure recognize the context and character of the particular neighbourhood or area of the City.

Objectives

Promote the effective and efficient use of the urban infrastructure already in place

Review alternative standards for new infrastructure to reduce the upfront required financial costs, while maintaining community character and aesthetics

Develop and apply flexible infrastructure standards that recognize the varied nature of Hamilton's neighbourhoods.



Where Do We Go From Here?

Staff of the Planning and Development Department are working on a draft of the new Official Plan for the City of Hamilton. The new draft Official Plan will capture the planning themes highlighted in CityView. When the draft Official Plan is completed, a major public outreach campaign will kick into gear to hear what Hamilton residents and other community partners have to say about the new Official Plan.

Once again, we will be calling on you shortly....



CITYVIEW

CityView Hamilton's Plan for Tomorrow is your opportunity to present your ideas and thoughts on the future of Hamilton.

Your ideas will ultimately form the basis of a new Official Plan for the City of Hamilton.

Staff of Hamilton's Planning and Development Department are available to answer your questions on any facet of CityView.

Ways to Contact Us...

Joanne Hickey-Evans at (905) 546-4229
Keith Extance at (905) 546-4158

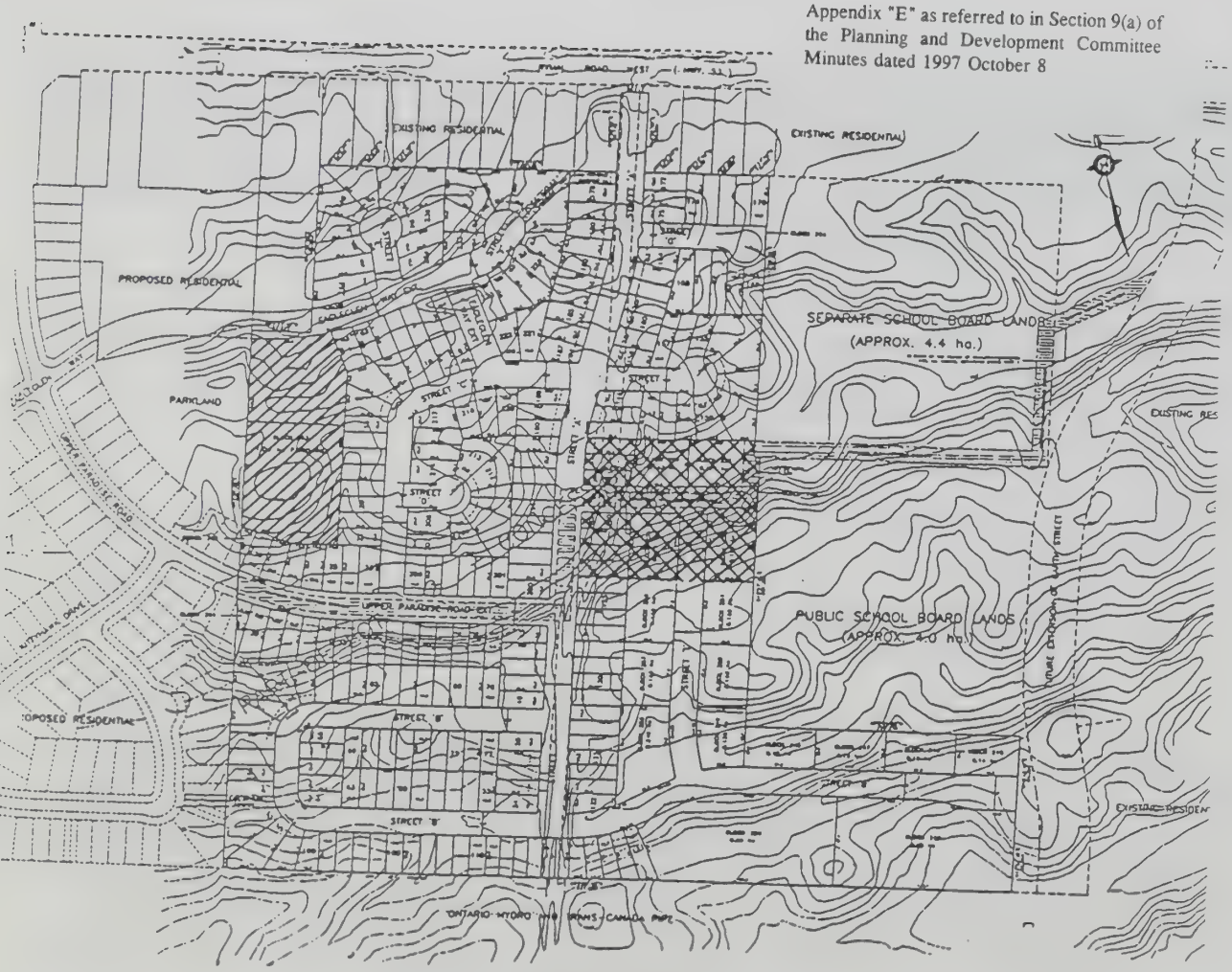
FAX (905) 546-4202

E-Mail: city.hamilton.planning@freenet.hamilton.on.ca

Mail to...

City of Hamilton
Planning and Development Department
7th Floor, City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Appendix "E" as referred to in Section 9(a) of the Planning and Development Committee Minutes dated 1997 October 8

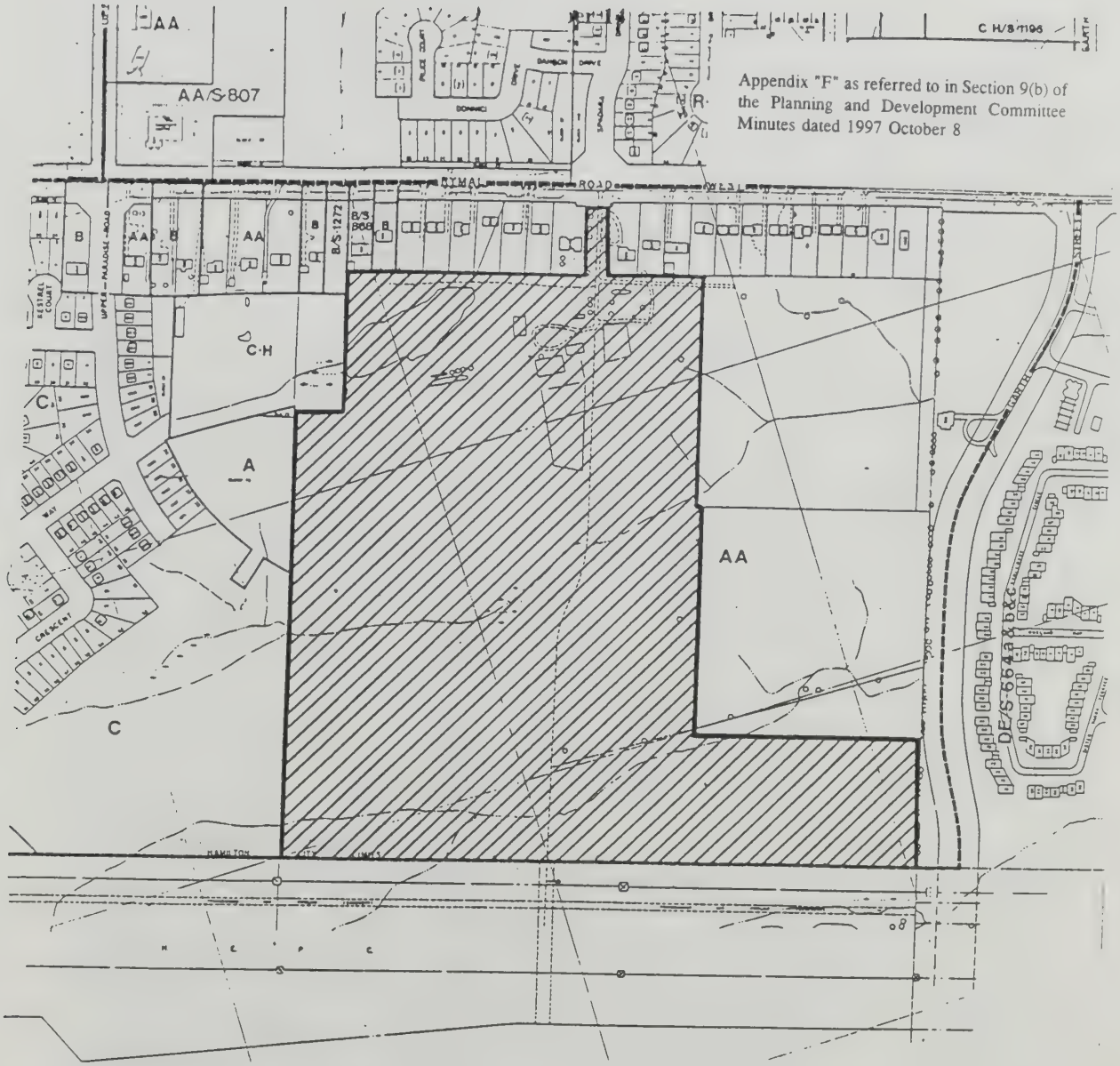


Legend

BLOCK 1 — Lands to be redesignated from "Open Space" to "Residential" (Lots 127 - 143, inclusive, and Blocks 252 -255, inclusive, on proposed Draft Plan of Subdivision)

BLOCK 2 — Lands to be redesignated from "Residential" to "Open Space" (Block 263 on proposed Draft Plan of Subdivision)

Reference File No.	
SAR-97-04	
Drawn By	Date
R.L.	August 199
Scale	
Not to Scale	
North	



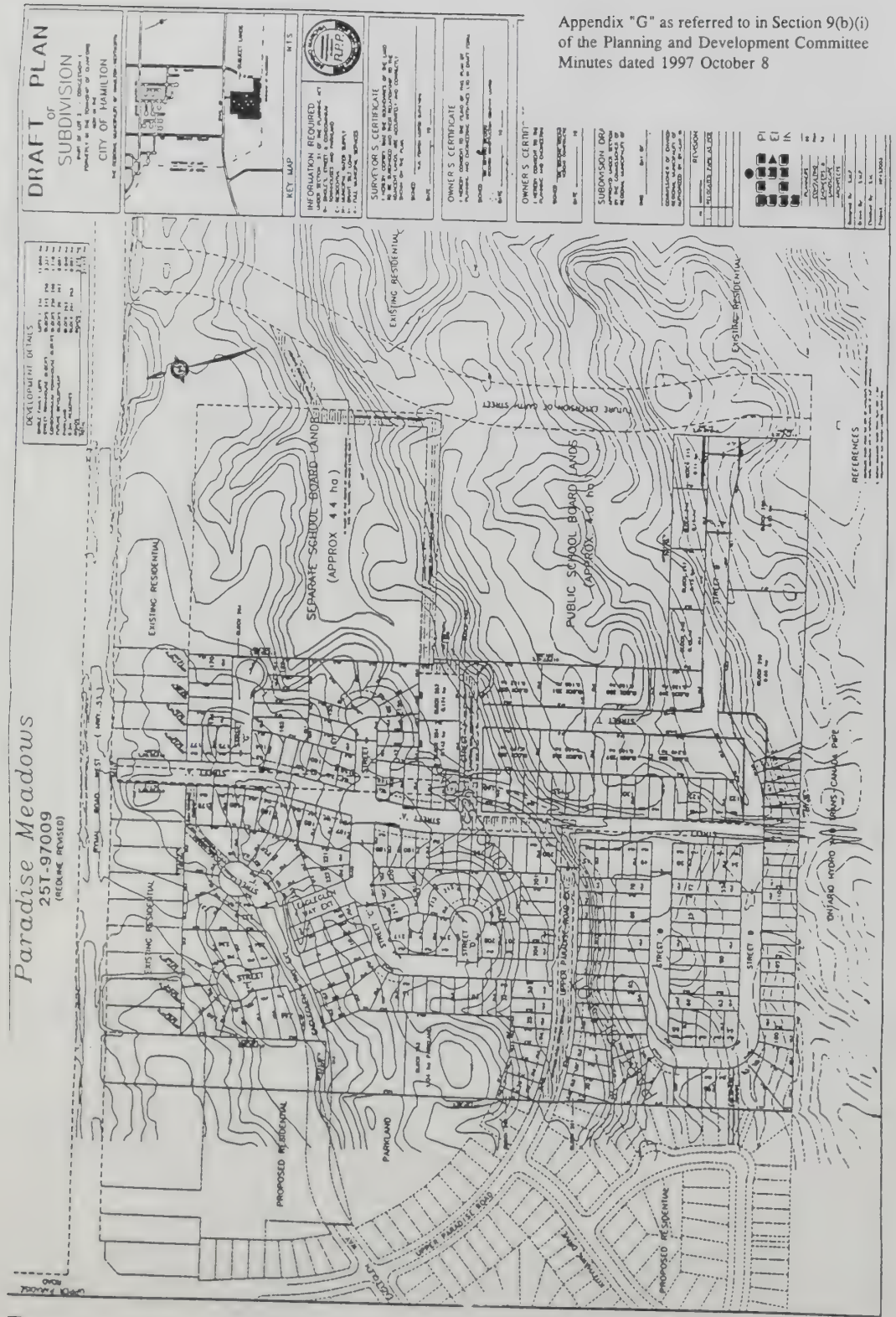
Appendix "F" as referred to in Section 9(b) of the Planning and Development Committee Minutes dated 1997 October 8

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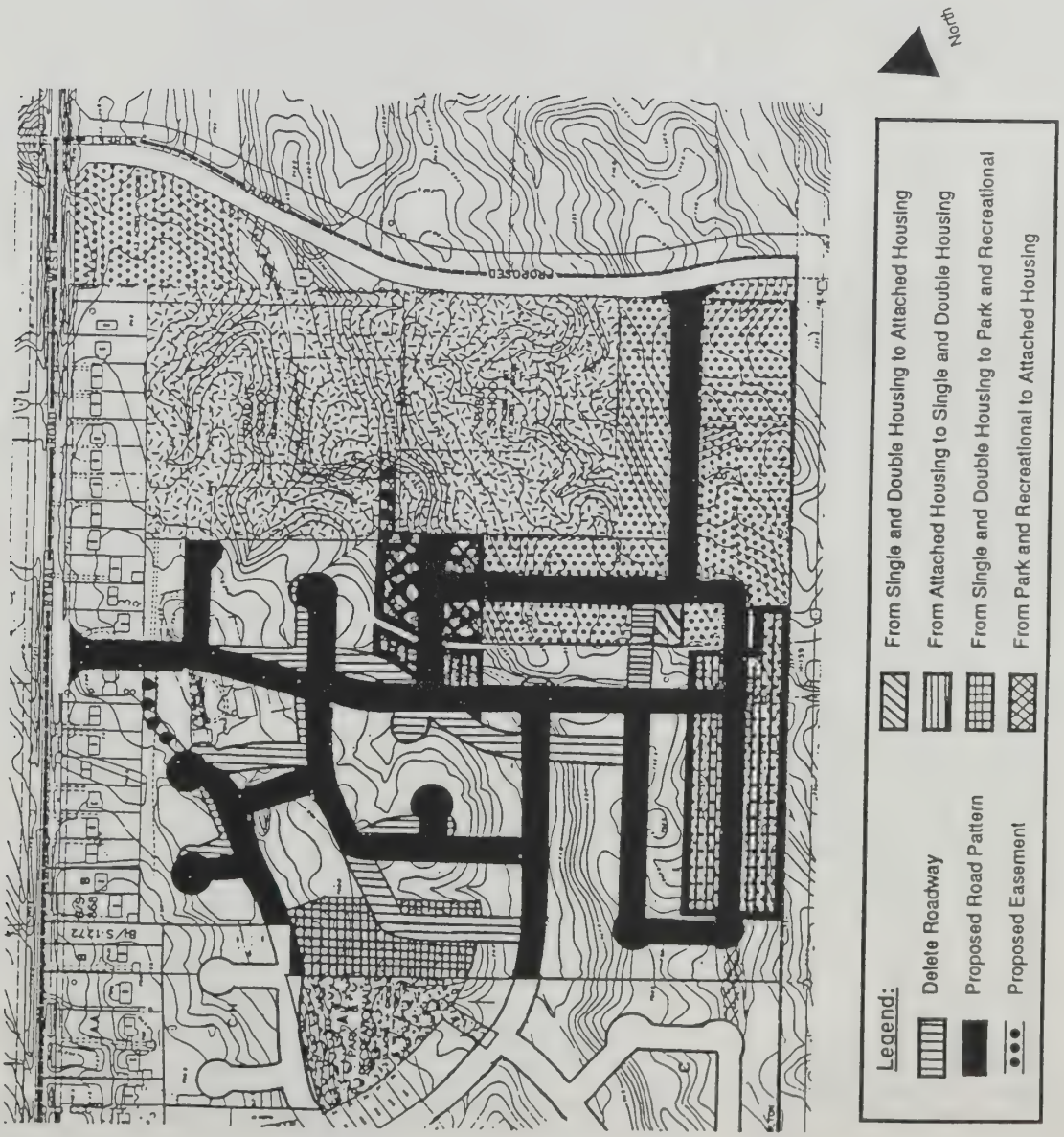
Site of the Application

Reference File No.	
SAR-97-04	
Drawn By	Date
B.B.	Aug. 199
Scale	
Not to Scale	
North	

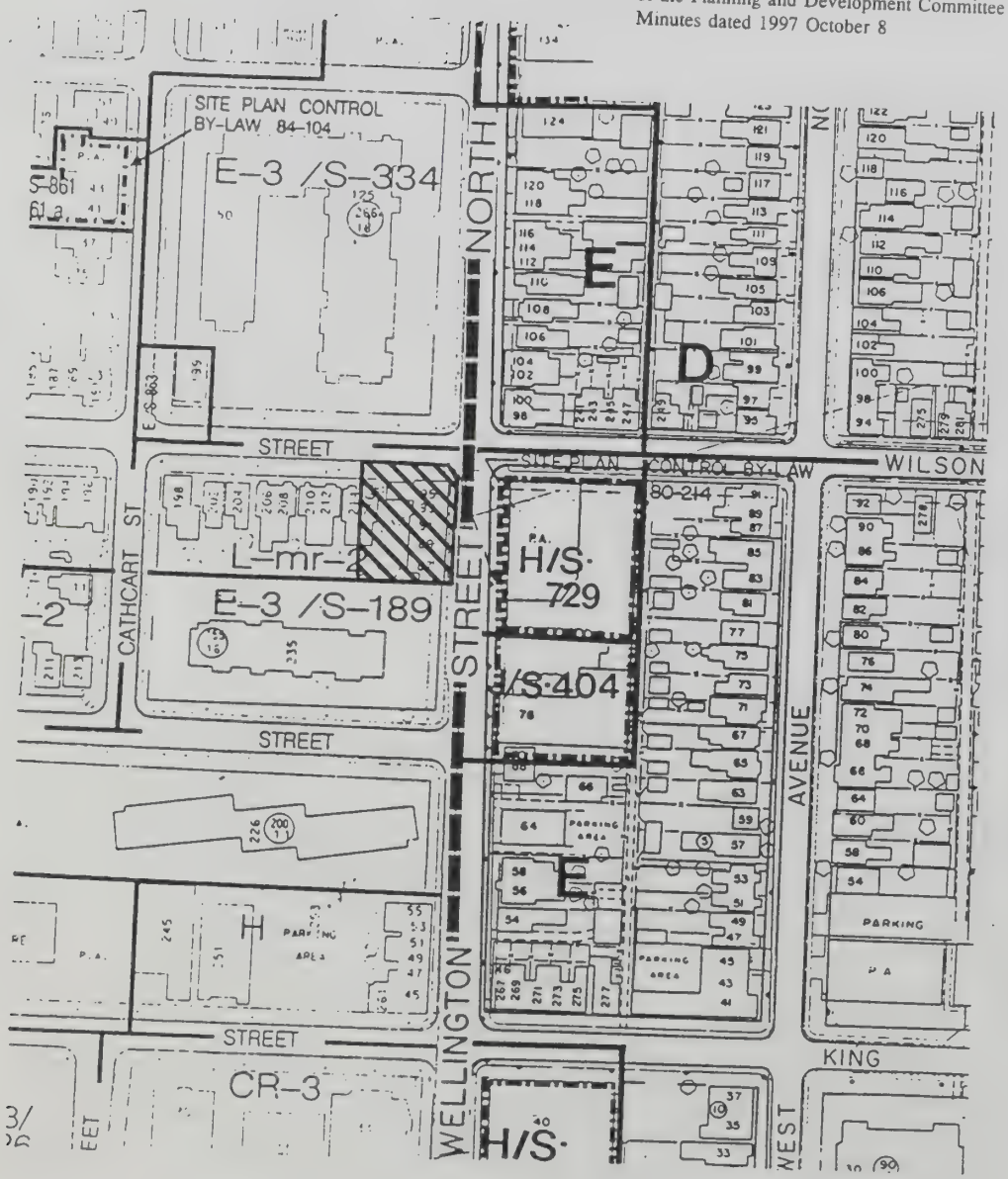
Appendix "G" as referred to in Section 9(b)(i) of the Planning and Development Committee Minutes dated 1997 October 8



Appendix "H" as referred to in Sec. 9(b)(xxi) & 9(e) of the Planning & Development Committee Minutes dated 1997 October 8



Appendix "I" as referred to in Section 10(a) of the Planning and Development Committee Minutes dated 1997 October 8



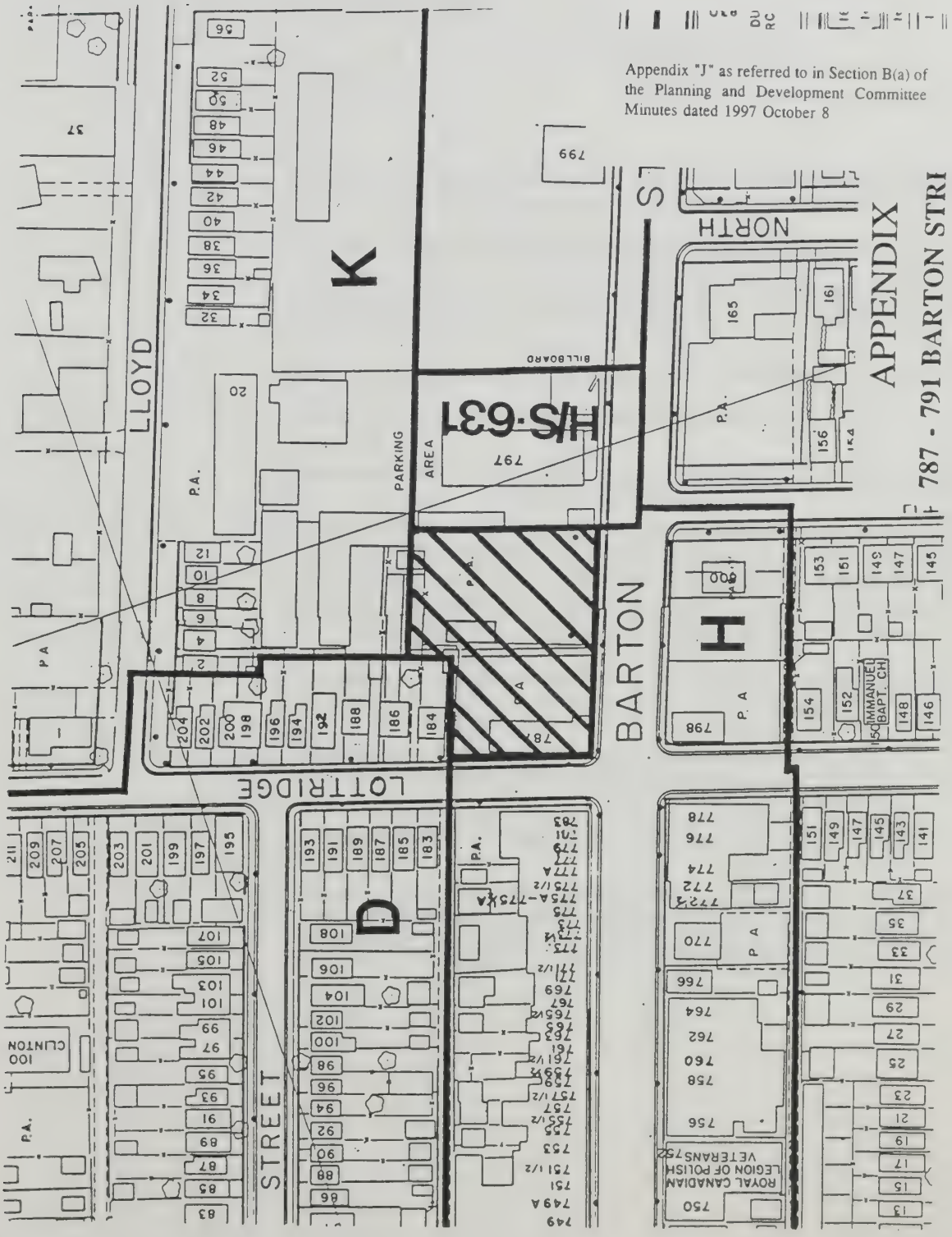
Legend

Change in zoning:

From: "L - Mr - 2" (Planned Development) Multiple Residential

ZAC-97-06

Appendix "J" as referred to in Section B(a) of the Planning and Development Committee Minutes dated 1997 October 8



Appendix "K" as referred to in Section 12(b) of the Planning and Development Committee Minutes dated 1997 October 8

APPENDIX " "

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 35,000 square feet, upon the hereinbefore described land by not later than September 30, 1998.

   Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than December 31, 1998.

   The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

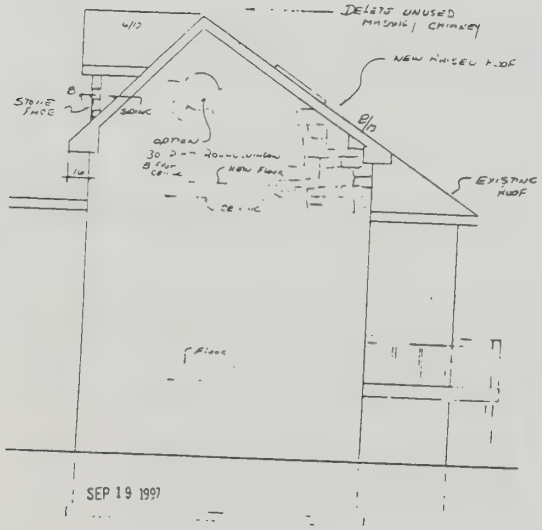
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.

6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.

6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

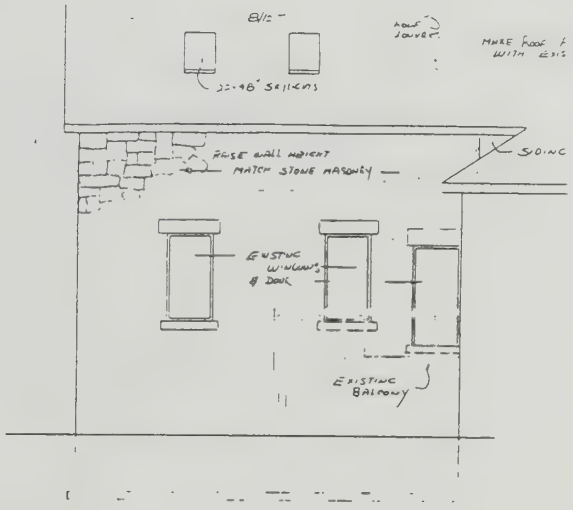
6.6 Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.

Appendix "L" as referred to in Section B 13
of the Planning and Development Committee
Minutes dated 1997 October 8



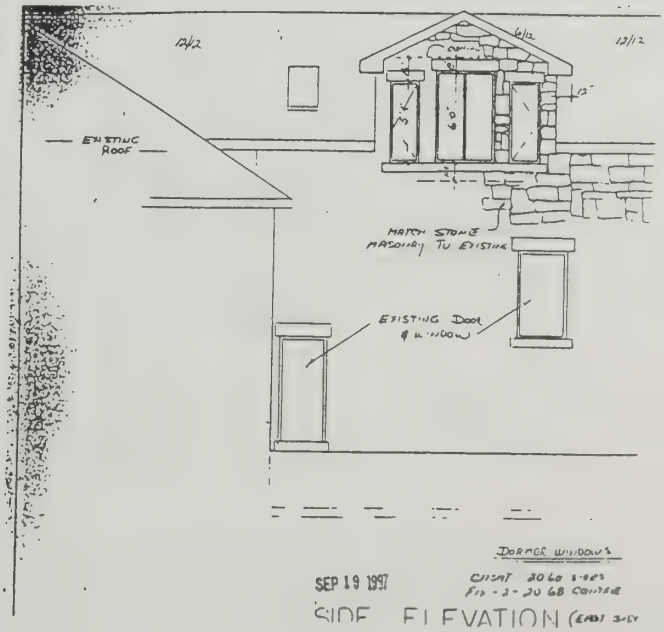
SEP 19 1997

REAR ELEVATION



SEP 19 1997

SIDE ELEVATION (WEST SIDE)



SEP 19 1997

SIDE ELEVATION (EAST SIDE)

Wednesday, 1997 October 22
9:30 o'clock a.m.
Room 233, City Hall

A (iv)

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling
Alderman G. Copps

Also present: Alderman M. Kiss
Victor Abraham, Director of Planning and Development
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
L. King, Building Department
W. Wong, Building Department
C. Floroff, Planning and Development Department
Susan K. Reeder, Acting Secretary

PUBLIC MEETINGS

1. **City Initiative 97-E, Application by the City of Hamilton, Owner, for a Further Modification to the Established "A" District for Block "1", and to the Established "M-13" District for Block "2" for Lands Located at No. 467 Charlton Avenue East.**

As recommended in a report dated 1997 October 14 from the Director of the Planning and Development Department the Committee recommended to Council as follows:

(a) That approval be given to City Initiative 97-E, for further modifications to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and the "M-13" (Prestige Industrial) District regulations for Block "2", to delete a miniature golf course as a permitted use, for lands located at No. 467 Charlton Avenue East, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That the special provisions contained in Section 2. of By-law No. 87-309, applicable to the "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1", and the "M-13" (Prestige Industrial) District regulations for Block "2", be deleted; and,

(ii) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council; and,

(iii) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. Corktown Neighbourhood Plan

Hal Costie, a resident in the Corktown Neighbourhood and a participant in creating the Plan spoke very favourably about the hard work done to create this Plan, and added his enthusiasm for starting to have it implemented.

As recommended in a report dated 1997 October 14 from the Director of the Planning and Development Department the Committee recommended to Council as follows:

(a) That the Corktown Neighbourhood Plan, 1997 Update attached hereto and marked Appendix "B", be adopted; and,

(b) That the Corktown Implementation Project List, as outlined in the Corktown Neighbourhood Plan, be forwarded to the appropriate departments for implementation with co-ordination of the implementation plan overseen by the Planning and Development Department.

3. **Zoning Application 97-28, by Mohawk College of Applied Arts and Technology, Owner, for a Modification to the Established "B" District for Lands Located at 135 Fennell Avenue West.**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1997 October 15th respecting the above noted matter.

The Committee was also in receipt of the following submissions:

(a) Submission - Dofasco Inc.

(b) Submission - May, Pirie, Dakin & Associates Limited, Land Use Planning Consultants

(c) Submission - Ron Foxcroft, President, Fox 40 International Inc; Fluke Transport Limited; Hamilton Terminals Incorporated

(d) Submission - C. Agro, 76 Delmar Drive

(e) Submission - Mohawk Tennis Club Membership

(f) Submission - Sheila Evans, 475 Orton Avenue, Ancaster

(g) Submission - Neighbourhood Petition

The Committee was advised that as a result of a circularization, 13 responses were received in favour, and 37 opposed.

Brenda Khes of May, Pirie, Dakin and Associates Limited addressed the Committee and made reference to their submission, as noted above.

In conjunction with their submission as the representatives for Mohawk College, Ms. Khes introduced the following specialists involved in various aspects of the project:

(1) Steve Hedington, Regional Manager, Campus Living Centres Inc.

(2) Andrew Nizielski, Architect with Moffat, Kinoshita Architects

(3) Dave McCann, Engineer with Parker Consultants

(4) Glenn O'Connor, Landscape Architect with G. O'Connor Consultants Inc.

(5) John Guilfoyle, Mohawk College

(6) Tim Gill, Mohawk College

Steve Hedington of Campus Living Centre Inc. circulated a package of information respecting the aspects of student housing.

Sheila Evans, 475 Orton Avenue, Ancaster addressed the Committee and indicated that as a user of the Mohawk Tennis Courts she would prefer that an alternate site could be selected for the proposed Residence, in order that the Tennis Bubble can remain.

Wes Hicks of Mohawk College addressed the Committee and indicated that the Tennis Bubble is now 8 years old, and its anticipated lifespan was 10-12 years. He advised that the College does not have the capital funding in its reserves to replace it. He suggested that possibly a private firm might be interested in coming in to open a tennis location at Mohawk College, but that if this were to happen, it would not be at the present location of the Bubble. He added that the College cannot afford to continue in tennis.

Lorna Dijur, a tennis player who resides in Hamilton spoke and indicated that the users of the Tennis Bubble should have been told sooner of the College's plans for the Bubble. She said that the College should not tear down a good facility and added that there are student housing locations in the community now for about 300 students.

Mrs. McLean of 35 Braemar Place spoke to the Committee and submitted a petition of opposition from neighbours of Mohawk College who are opposed to the student residence. She indicated that they are concerned about traffic conjestion occuring in the community. They are opposed to the construction of a residence on campus, and suggests that there are other possible locations. She further added that it seems a shame to tear down the Tennis Bubble.

Charles Agro of Delmar Drive spoke to the Committee and questioned what security methods would be used for outside of the residence. He asked why this residence couldn't be located downtown, and indicated that he feels the quality of life will be lowered for the neighbourhood should the residence be approved.

In response to the issue of security, Steve Hedington of Campus Living Centres spoke. He indicated that further to the suggestion that a residence could be located at the Hamilton Psychiatric Hospital across the street, Mr. Hedington pointed out that Mohawk College does not own this property. As well, he added that the possibility of a downtown location is being looked at separately as a joint project between Mohawk College and McMaster University.

The discussion then was turned over to the Committee and following considerable amount of debate, the Committee agreed to table the Zoning Application for 3 months for further discussion with all parties on issues of location, noise, traffic and security.

4. **Official Plan Amendment, by Chedoke Terrace Inc., Owner, to Redesignate the Subject Lands from Industrial to Residential, for the Property Located at No. 100 Beddoe Drive.**

The Chairman advised those present that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a public hearing.

The Committee was in receipt of a submission from Linda Penson, 7 Beulah Avenue.

Joanne Hickey-Evans of the Planning and Development Department spoke to this matter, and indicated that a clause should be added to the staff recommendation to include the provision of a sanitary sewer at the owner's expense.

The Committee was advised that due to the peremeters of this property, notice of this Public Meeting was published in order to reach a larger span of concerned residents.

Herman Turkstra, Solicitor, 15 Bold Street addressed the Committee and gave reference to the O.M.B. Hearing on this property which determined that residential use is the best use for this land. In this regard, he requested the City's support of the application.

Wanda Krous, 128 Chedoke Avenue spoke on behalf of the Kirkendale Neighbourhood Association. She indicated that the Kirkendale Neighbourhood has been involved for the past six or seven years on the planning for this property. She added that the O.M.B. did not resolve the use of housing on this property. She referenced that while the proposal being considered is a reduction in units to 172 units, that they are three and four bedroom units which is geared to young families, and not seniors as is being suggested. In this regard, she encouraged the members to look at the numbers of people who will be moving into this area, and the impact that would incur to the neighbourhood. She made reference to Aberdeen Avenue being a very busy street, and that this development would access right on to this street, which would compound the traffic conjestion. Further to this, should it be determined that a realignment of this intersection is required, it would undoubtedly cost hundreds of thousands of dollars, and the fear is that this cost would be borne by the taxpayers.

Ms. Krous further added that she is shocked that the school boards did not respond adversely to this proposal for its impact when classes are now at 30 students and up in some instances. However, she recognizes as well that the mandate of the school board is to teach the children, and thus they have no choice but to accept and handle whatever situation they are presented with.

Ms. Krous outlined the dangers of children close to the rail lines and public works yards, and that the O.M.B. did not address this issue. She advised that fencing, educating home owners, having them sign release clauses in the purchase agreements only reduces the liability for the developers and the agencies, but does alleviate the problem of this poor location for residential use.

Ms. Krous stated that the neighbourhood was very disappointed with the results of the 43 day O.M.B. hearing, which did support the neighbourhood delegations on the basis that they did not provide professional evidence to substantiate their position. The O.M.B. Chair's view is that the market will decide on the wisdom of this development. Further to this, Mr. Krous said that the developers and others involved in the establishment of this development will leave once the project is complete, but that the current residents and the new residents will be there to deal with the problems.

With respect to reference to the Royal Bank's involvement in this project, Alderman D'Amico requested further information. He then determined that as he is an employee of the Royal Bank, that he would declare a conflict of interest, and thus left the meeting.

Chuck Renaud, 6 Flatt Avenue spoke in opposition to the application. He advised that there are frequent railcar leaks at the railyard. As well, there is only one road into the proposed development property and if developed there is a need for more road access and egress for safety. There is also the fear of children playing on the rail tracks, and despite parents educating their children about these perils, accidents still occur. Mr. Renaud also spoke about the contamination at this property, and questioned why there isn't a planning division between the residential areas and industrial ie rail lines.

Dale Brown of 39 Flatt Avenue also spoke to the Committee. He indicated that he is a member of the Kirkendall Neighbourhood and an Earl Kitchener and Ryerson School representative. With respect to the schools, Mr. Brown advised that both of these schools are at 100% capacity. However, as schools are mandated to provide education, they have no choice but to accommodate the students. Methods of doing so might be to bus children to other schools and/or provide portables. Mr. Brown queried whether the use of portables would be allowed at the school due to zoning. As well, Mr. Brown referenced that busing children to other locations may be problematic.

With respect to the architectural design of the project, Mr. Brown emphasized that the garages are the focal point of the design and are not very attractive. He also stated that this is not a seniors residence as has been aluded to.

Ann Forester, 25 Chedoke Avenue also spoke in opposition to the application. She indicated that the property is now a beautiful part of the community - quite wild in nature with deers and foxes and nature trails. She added that this proposed development would destroy that.

Herman Turkstra on the developers behalf spoke to the Committee and indicated that the neighbourhood concerns have all been addressed by the O.M.B. In respect of school capacity issues, Mr. Turkstra indicated that the school needs run in waves as family structures and aging changes the needs. He also rebutted that this project is not being presented as a seniors residents, and added that these homes will be in the $160,000 - $260,000 price range.

Alderman Caplan spoke to the Committee and presented a petition of opposition from the neighbourhood to the Committee. He indicated that the asthetics of the garages up front in the design are such that the backs of garages will be facing out into the street. He added that the O.M.B. was wrong to deem an appropriate use for this land as residential.

Alderman Kiss spoke to the Committee and advised that no one from the neighbourhood group has indicated that the development would attract "poor people" and that Mr. Turkstra should apologize. She indicated that this is an unsafe site which would add to the traffic problems which already exist there. She added that there is a blind spot under the bridge and that a study has been asked for and not done properly. She indicated that this would be an unsafe site for new families. As well the project is an eyesore in design with 30 garages facing outward. Alderman Kiss added that in the spirit of Vision 2020, this project is not environmentally compatible. There is a Niagara Escarpment Commission meeting next month which should be attended. She also gave reference to pedestrian traffic being unsafe and emergency

vehicles being limited in access. As well, the schools are not able to accommodate the increased student population that this project would bring.

Alderman Copps questioned if the Fire Department has been contacted on the access/egress situation. She too feels that the design is poor, and that raillines through residential areas should never occur.

In response to comments, the Planning Department staff advised that it is standard practice at the Site Plan stage of a development to receive fire comments and that at the Plan level, fire has indicated they would prefer an extra access, but that that isn't feasible.

Following discussion by the Committee, the Committee agreed to reject the staff recommendation of approval, and approved to Deny the application for presentation to City Council as follows:

> That Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan,to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "C", be DENIED for the following reasons:
>
> (a) the design of the "U" shaped building has the effect of creating a walled off community and there may be other design alternatives;
>
> (b) there is only one access to the site;
>
> (c) there are safety concerns given the site's proximity to the Public Works yard and Rail yard and furthermore, these uses are designated for industrial uses; and,
>
> (d) the site is isolated from the rest of the community.

5. DELEGATION

Concerns of McMaster University Neighbourhood About Substandard Housing

The Committee was in receipt of correspondence from Mr. Barry Bender requesting an opportunity to appear before the Committee on behalf of a group of concerned citizens from the McMaster Universty area neighbourhoods of West Hamilton regarding substandard housing in their neighbourhood. Mr. Bender circulated a document entitled "University Area Neighbourhoods' Manifesto" dated 1997 October 22nd.

Mr. Bender addressed the Committee and requested that the City establish a Task Force to work with their community group to recommend methods back to the Planning and Development Committee on ways to address their concerns.

The Committee approved the following motion for presentation to City Council:

> (a) That a McMaster University Area Neighbourhood Task Force be established for the purpose of reporting back to the Planning and Development Committee with recommendations to address the concerns of the McMaster University area Neighbourhood; and,

(b) That this Task Force consist of representatives from the McMaster University Neighbourhood Working Group, the two Ward Aldermen, the City's Law Department, Building Department and Planning Department.

A. DIRECTOR OF PLANNING AND DEVELOPMENT/CHIEF ADMINISTRATIVE OFFICER

(a) Terms of Reference - Preparation of a Downtown Secondary Plan

The Committee was in receipt of a report from C.A.P.I.C. dated 1997 October 15th recommending the following:

(a) CAPIC recommends the establishment forthwith of a secondary plan for the City Centre, as an Official Plan Amendment. This plan will include appropriate strategic goals, zoning changes, design guidelines and other planning techniques such as development envelopes; and,

(b) In the event of a conflict between policies in the City Centre plan and those in existing neighbourhood plans, the City Centre policies will prevail, if deemed in the public interest. A process, including public meetings, will be implemented to determine boundaries of the City Centre, and to draft policies pertaining specifically to this area.

The Committee agreed to receive this report.

As recommended in a report dated 1997 October 14 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That as part of the 1998 Capital Budget Review Process, a submission be made in the amount of $95,000 for the preparation of a Downtown Secondary Plan; and,

(b) That the Director of Planning and Development initiate and co-ordinate the formation of a staff resource team comprised of representatives from appropriate City Departments to oversee the preparation of the Capital Budget Submission, Terms of Reference and the preparation of the Downtown Secondary Plan.

(b) Request for Removal of H-Holding Symbol - Lands Located at 1468 - 1530 Upper James Street

As recommended in a report dated 1997 October 15 from t Director of the Planning and Development Department, the Committee recommended to Council as follows:

(i) That approval be given to Zoning Application 97-32, Rosart Properties, owner, requesting a removal of the "H" (Holding) symbol provision under Section 36(1) of the Planning Act,

R.S.O., 1990, to allow for the development of the subject lands as a commercial development located at 1468 - 1530 Upper James Street, shown on the attached map marked as Appendix "D"; and,

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law Nos. 97-139 and 91-143, for presentation to City Council.

(c) **Application to Remove Part-lot Control "Allison Estates - Phase 4" Subdivision - Registered Plan No. 62M-823**

As recommended in a report dated 1997 October 16 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(i) That approval be given to the request of J. Parente, Solicitor, for 200 Rymal Road Inc., owner, to amend By-law No. 208, a By-law to remove part-lot control from Registered Plan 62M-823 "Allison Estates - Phase 4", as shown on Appendix "E"; and,

(ii) That the City Solicitor be directed to prepare a By-law to amend Section 1. of By-law No. 97-208, to remove part lot control from Block 18, Registered Plan 62M-823 "Allison Estates - Phase 4" plan of subdivision, for presentation to City Council; and,

(iii) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the By-law.

B. BUILDING COMMISSIONER

(a) 30 Norfolk Avenue North - Demolition

The Committee was in receipt of a report from the Manager of Customer Services, Building Department dated 1997 October 10th recommending approval of the above noted demolition permit.

With respect to this application the Committee was in receipt of the following submissions:

(a) Submission - C. R. Grigg

(b) Referral of correspondence from City Council - Mrs. Betty Bechtel - conflict of interest - 30 Norfolk Avenue North

(c) Submission - Pauline Ridzon, 31 Norfolk Avenue North

(d) Submission - William B. Lisson, 33 Norfolk Street North

(e) Submission - Gerald Crevier

(f) Submission - Mr. & Mrs. Wright, 19 Norfolk Street North

(g) Submission - Linda Grigg, 35 Thorndale Street North

(h) Submission - Nelson Eby, 32 Norfolk Street North

(i) Petition of opposition dated 1997 October 16th

Several members of the Committee indicated that they were declaring a conflict of interest in this matter as they are being sued by the applicant's son. Those remaining members not in a conflict of interest situation constituted two members, and as per the Municipal Conflict of Interest Act contained in the 1990 R.S.O. Municipal Act, this number constituted a quorum. In this regard, it was the Committee decision that this matter be tabled until the legal issues are resolved.

(b) Information Report - Barton Street Revitalization

The Committee was in receipt of a report dated 1997 October 9 from the Building Commissioner respecting the above-noted matter, and agreed to receive this document for information purposes.

C. CONSENT AGENDA

The Committee was in receipt of its consent agenda, and approved the following:

A. ADOPTION OF THE MINUTES

The minutes of the Special meeting held 1997 October 14 were adopted as circulated.

The minutes of the regular meeting held 1997 October 8th were not available and will be presented to the next regular meeting of the Committee for adoption.

B. BUILDING COMMISSIONER

(i) Demolition of 555 Kenilworth Avenue North, dated 1997 October 10:

That the Building Commissioner be authorized to issue a demolition permit for 555 Kenilworth Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) Demolition of 13 Frederick Avenue, dated 1997 October 10:

That the Building Commissioner be authorized to issue a demolition permit for 13 Frederick Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. ACTING SECRETARY, PLANNING & DEVELOPMENT COMMITTEE

Information Items

The Committee approved the following:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Site Plans for Approval.

(b) Local Architectural Conservation Advisory Committee - minutes of meeting held 1997 September 8.

D. TABLED FROM PREVIOUS MEETING

(i) Request for an Official Plan Amendment and change in Zoning - 220 Dundurn Street South

The Committee was in receipt of the above noted report from the Director of Local Planning.

The Committee was also in receipt of the following submissions:

(a) Submission - Canadian Drawn Steel Company Inc.

(b) Submission - Provincial Environmental Services Inc.

(c) Submission - Adam Stelmaszynski

Mr. Mallard of the Planning Department advised that all parties are satisfied with the proposal.

As recommended in a report dated 1997 October 9 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 143 to redesignate the subject lands from "Major Institutional" (front portion of the site) and "Open Space" (rear portion of the site) to "Residential" as shown on the attached marked as Appendix "F", for the property municipally known as No. 220 Dundurn Street South, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application 97-26, Alexander Street Lofts Development Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" -'H' (Low Density Multiple Dwellings - Holding) District modified, to permit the conversion and expansion of the existing building for 60 apartment units, for the property located at No. 220 Dundurn Street South, shown on the attached map marked as Appendix "G", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the

subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

(1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE; and,

(2) Submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment; and,

(3) Submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Removal of the holding restriction shall be conditional upon completion of a noise feasibility study, a study demonstrating the development will not be adversely affected by noise, odour, dust and vibration and the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment and Energy. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled; and,

(ii) That the subject lands be rezoned from "D" (Urban Protected Residential District - One and Two Family Dwellings, etc) District to "DE" (Low Density Multiple Dwellings, etc.) District; and,

(iii) That the "DE" (low Density Multiple Dwellings) District, as contained in Section 10A of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10A(2), the height of the building shall not exceed 4 storeys and 18 m; and,

(2) That notwithstanding Section 10A(3), additions over the existing foundation shall maintain the existing front and side yard setbacks; and,

(3) That notwithstanding Section 18(4)(ii), two accessory structures, for the exclusive use of people residing at No. 220 Dundurn South, shall be permitted provided that:

(a) One accessory structure, not exceeding 165 m^2 in area, may be used for the purposes of storage, a garden shed, and woodworking area; and,

(b) One accessory structure not exceeding 275 m^2 in area, may be used for the purposes of storage, locker/change room, washroom facilities, and amenity area; and,

(4) That notwithstanding Section 18(4)(iii), the height of an accessory structure shall not exceed 6.0 m; and,

(5) That notwithstanding Section 18 (4)(iv), a minimum 9.0 m southerly side yard setback shall be provided and maintained for an accessory structure; and,

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1391, and that the subject lands on Zoning District Map W-23 be notated S-1391; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-23, for presentation to City Council; and,

(vi) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 143 by the Regional Municipality of Hamilton-Wentworth; and,

(vii) That upon finalization of the implementing zoning By-law, the Kirkendall Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" (front portion) and "Open Space" (rear portion) to "Medium Density Apartments".

(ii) **Request for an Official Plan Amendment and for a Modification in Zoning - 245 Mohawk Road West**

Mr. Mallard of the Planning Department advised that the above noted application has been resolved with all parties, and in this regard, the following recommendation was approved for presentation to City Council:

(a) That approval be given to Official Plan Amendment No. 144 to establish a Special Policy Area to permit a physiotherapy clinic within the "Residential" designation for property known municipally as 245 Mohawk Road West and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to amended Zoning Application ZAC-97-22, Kaz Kusmierczak, prospective owner, for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 245 Mohawk Road West, as shown on the attached map marked as Appendix "H", to permit a physiotherapy clinic within the existing building, on the following basis:

(i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:

(1) That notwithstanding Section 9.(1) of Zoning By-law No. 6593, a physiotherapy clinic within the building existing at the date of the passing of the By-law and a 75 square metre addition to the existing building shall be permitted; and,

(2) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 5.5 metres shall be provided and maintained; and,

(3) That notwithstanding Section 9.(3)(iii) of Zoning By-law No. 6593, a minimum rear yard of a depth of at least 2.6 m shall be provided and maintained for a one storey building; and,

(4) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 21 parking spaces shall be provided and maintained; and,

(5) That notwithstanding Section 18A.(5)(c) of Zoning By-law No. 6593, "floor area" means the area contained within the perimeter of the building at each floor level, including storeys below grade; and,

(6) That notwithstanding Section 18A.(11)(a) of Zoning By-law No. 6593, the parking area shall be not less than 1.1 m from the westerly side lot line; and,

(7) That notwithstanding Section 18A.(11)(b) of Zoning By-law No. 6593, the parking area shall be not less than 5.8 m from the northerly front lot line; and,

(8) That notwithstanding Section 18A.(1)(d) of Zoning By-law No. 6593, a loading space shall not be required for a physiotherapy clinic; and,

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1392, and that the subject lands on Zoning District Maps W-9 and W-17 be notated S-1392; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9 and W-17 for presentation to City Council; and,

(c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

Note: Alderman Copps opposed

F. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

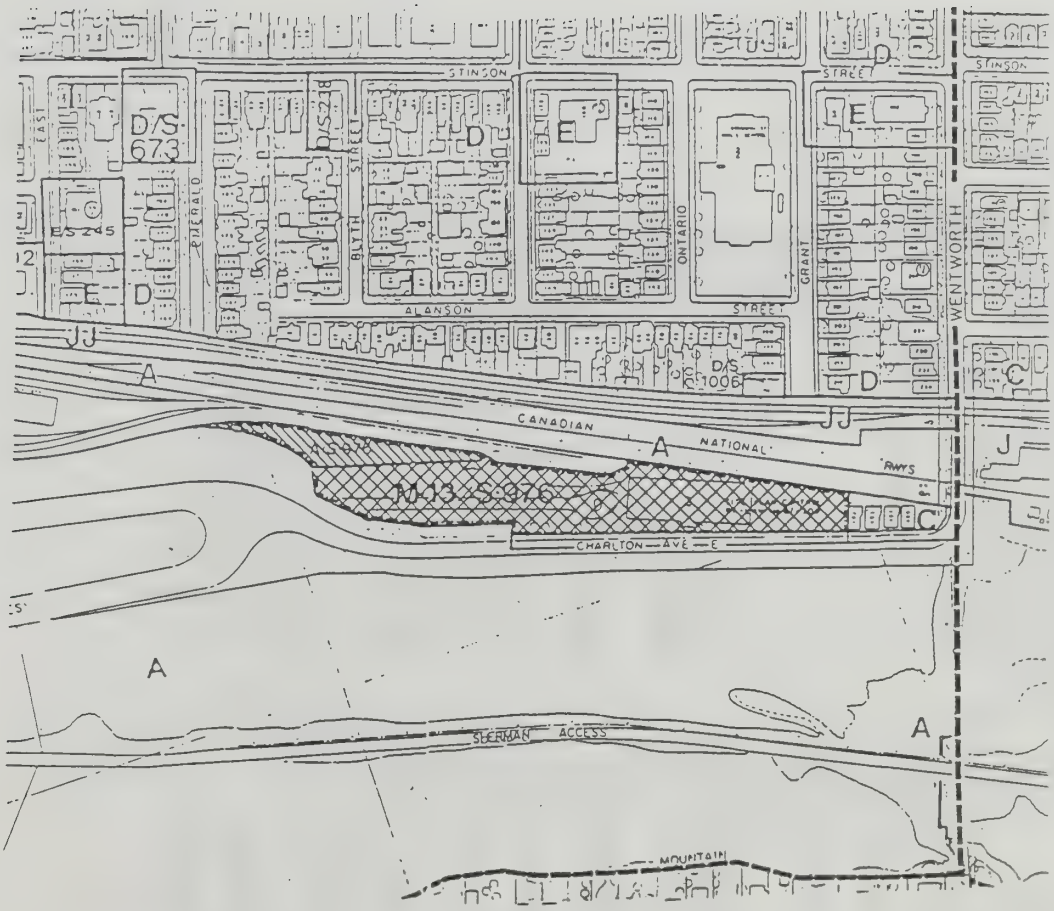
Taken as read and approved,

Alderman D. Drury, Chairman
Planning and Development Committee

Susan K. Reeder
Acting Secretary
1997 October 22nd

/jt

Appendix "A" referred to in Section 1(a)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



Legend

Proposed Further Modification to the Established :

BLOCK 1 — "A"(Conservation, Open Space, Park and Recreation) District.

BLOCK 2 — "M-13" (Prestige Industrial) District.

Reference File No.	
CI-97-E	
Drawn By	Date
R.L.	Sep. 1997
Scale	
Not to Scale	
North	

Appendix "B" referred to in Section 2(b)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



Corktown Neighbourhood Plan

OCTOBER 1997

Designed and Prepared by the Planning and Development Department

CORKTOWN NEIGHBOURHOOD PLAN

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Planning and Development Department, October 1997

INTRODUCTION

1. Corktown Neighbourhood

Corktown is one of 137 neighbourhoods in Hamilton. It stretches from Main Street East to the Niagara Escarpment Brow and from James Street South to Wellington Street South. It contains the south east quadrant of the City of Hamilton's downtown. Over 6,300 people live in the 186 acres which make up the Corktown neighbourhood.

Corktown was one of the earliest settlement areas in Hamilton. Original development consisted of two storey brick row, semi and detached houses with porches at the front and alleyways at the back. Houses were set close to tree lined streets. Substantial portions of Corktown retain the historic, human scale character. Designers are currently recreating this type of character with new projects across North America. Downtown development, in the north and west of the neighbourhood, consists mainly of offices, restaurants and car parks. At the south end of the neighbourhood is the Niagara Escarpment, the garden of Corktown.

Downtown provides excellent accessibility to services, employment and transportation. However, the proximity of downtown has, over the years, impacted neighbourhood cohesiveness. There are large areas of surface level parking on the edge of the downtown, high rise apartments scattered through the neighbourhood, high concentrations of rental accommodation, and arterial roads and railways cutting through the neighbourhood.

2. Neighbourhood Planning Program

In the early 1970s, the City of Hamilton started a planning program in developed neighbourhoods focusing initially on the inner city. The public, as interested parties, (stakeholders), were involved in the process from an early stage through the formation of advisory committees.

The first plan for Corktown was completed in 1973. The current review uses essentially the same process. However this plan includes the following additional features:

a) a visioning process to find out how the stakeholders would like future development to unfold. Committee members discussed strengths and weaknesses of opportunities for and threats to the neighbourhood;
b) emphasis on urban design and 3 dimensional form in addition to land use.

The content and format of the neighbourhood plan in the new Official Plan will be determined through the ongoing Official Plan review process with input from the Corktown community.

3. Neighbourhood Plans

Neighbourhood Plans deal with details of future land use, urban design, movement and amenity improvements in the form of goals and policies. Neighbourhood Plans are prepared to create investment opportunities and to help the community's management of the environment, the economy and social needs.

4. The Corktown Planning Framework

Neighbourhood needs and desires have to be blended with the broader needs and desires of the City, the Region and the Province. Provincial Planning Policies and the Niagara Escarpment Plan provide a Provincial framework. Vision 2020 and the Hamilton-Wentworth Official Plan provide the Regional framework. The City's Official Plan and the Central Area Plan provide the City of Hamilton's framework. The City's Official Plan provides for neighbourhood planning so that the needs and desires of the community can be married to the broader planning framework.

Recent planning work for downtown Hamilton has identified the need for the creation of a separate downtown neighbourhood. The downtown neighbourhood may include parts of four existing neighbourhoods: Durand, Central, Beasley, and Corktown. The updated Corktown Neighbourhood Plan will be part of the planning framework for the downtown neighbourhood. It is expected that the policies contained in this plan will be revised and updated as a result of the downtown neighbourhood planning exercise. The neighbourhood associations will be consulted in the process of defining the downtown neighbourhood and developing its plan.

THE NEIGHBOURHOOD PLAN

5. Purpose of the Plan

The purpose of the plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible; is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown.

6. Land Use (Map 1)

Corktown Neighbourhood should provide for the needs of the community and give those who use it a sense of well being. As a downtown neighbourhood, special attention should be given to efficiency and attractive image to support and strengthen Hamilton's downtown. The role of the four functional areas (Downtown, Transition, Neighbourhood Residential, Escarpment) in Corktown Neighbourhood should be reinforced. Intensive mixed use development and an increase in residential use in the Downtown area will help the whole of the downtown to thrive and to support City and Region wide services. Residential use in this part of the downtown is particularly suitable because of the good access to downtown facilities, employment and transit.

The Neighbourhood Residential area contains, in addition to housing, some neighbourhood commercial business as well as parks and an elementary school. Whereas there is a satisfactory provision for neighbourhood parks, elementary school and neighbourhood commercial, there is a critical need in this area for playing fields to serve Corktown and

nearby neighbourhoods. Limitation of commercial uses serving more than the Neighbourhood Residential area will reduce the impact of vehicular traffic in this area. These Commercial uses can be diverted to the Transition area with James Street South and John Street South acting as commercial service areas. The Transition area between the downtown and neighbourhood residential is a buffer area and contains both downtown uses and neighbourhood uses as well as facilities which serve several neighbourhoods and in some cases a wider hinterland eg. St. Joseph's Hospital. Mixed use, sensitive to impact of the Neighbourhood Residential area, are also appropriate in this area. The Escarpment area is a green link of Provincial importance which requires preservation and enhancement. (See Section 10).

Goal

The greatest intensity of use and additional residential will be in the Downtown and gradually diminish to the edge of the Neighbourhood Residential area which will be primarily residential with local parks, a new active playing field and an elementary school.

Policies

a) Downtown development will be in mixed use form with significantly more residential use added, in line with the Central Area Plan policies adopted by City Council.

b) Transition area development will usually be in mixed use form and with additional residential use. It will have minimal impact on the neighbourhood residential area. The conversion of older buildings in this area will retain some residential use.

c) The Neighbourhood Residential development will be infilled on vacant lots and green areas around apartments, where possible, with predominantly street townhousing but also semi-detached and singles on lot sizes which follow the pattern in the locality.

d) No further commercial uses, other than home occupations, will be permitted in the Neighbourhood Residential area except where designated. New commercial in the Neighbourhood Residential area will serve primarily the local population. Commercial uses will generally be directed to the adjacent Transition area and Downtown area.

e) An active sports field will be provided on the Young Street, Ferguson Avenue South, Forest Avenue block. This area originally known as Sandhill is also known by the community as the Field of Dreams. It is a target to use all the land for recreational activity. Acquisition of this land and its development is the highest priority of this plan.

f) a strong downtown will be supported.

g) James St. South business district will be improved using its special character to promote its services and attract tourists. St. Joseph's Hospital will be supported in its current location;

h) Preference for expansion of St. Joseph's Hospital would be east of John Street South.

i) Queen Victoria Elementary School will be supported to remain in its current location and act as a principal community focus for the neighbourhood.

j) Suitable zoning for institutional uses will be introduced so that in the event of relocation, the community is not faced with as of right development which undermines the policies of this plan.

k) Once the Province establishes the ability for municipalities to implement a development permit system, a study should be undertaken to establish where the permit system would be appropriate in the City of Hamilton. Corktown Neighbourhood will be considered as a test project for implementation.

l) implementation will be through the Planning and Development Department using the Planning Act; rezoning will be done by the Planning and Development Department balancing the rights of owners with community interests on an individual basis.

7. Population and Density (Map 2)

Increase in the residential population in the central area brings a higher level of services to the downtown. This benefits the Region, the City and Corktown. Increase in population also brings better local services. The continued depopulation of the neighbourhood makes it more difficult to maintain commercial and public services. The downtown also becomes weaker if population is lost. There are vacant and underutilized sites in Corktown suitable for housing and other uses.

The Downtown has the most potential for additional population although significant additional population can be added to the Transition (Map 1) area. The Neighbourhood Residential Area (Map 1) has the potential of limited population increase through infill development. No population exists in the Escarpment area.

Goal

Increase the population of Corktown particularly in the downtown area and on the edge of the downtown.

Policies

a) Higher densities of population will be directed to the Downtown Area.

b) Intermediate densities of population will be directed to the Transition Area.

c) Lower densities of population will be directed to the Neighbourhood Residential area.

d) No population will be permitted in the Escarpment Area.

e) Implementation will be through the ongoing processing of planning applications under the Planning Act.

8. Neighbourhood Form and Building Heights (Map 2)

The heights of buildings are critical to ensure access to sunlight, privacy, views (especially from downtown to the escarpment), protection from wind tunnelling and streets whose buildings relate to the pedestrian (human scale). These items are particularly necessary with a north sloping neighbourhood, the Downtown to the north and the Escarpment to the south. Heights in the downtown portion should allow the steeple of St. Paul's (180 feet high) to dominate. Heights in the housing areas in the south and east of the neighbourhood should reflect the traditional low rise housing and allow mature trees to dominate the landscape. Heights should be graded between these two areas.

Goal

New buildings will be designed to be an attractive addition to the neighbourhood and to minimize their height impact on the neighbourhood. The views across the neighbourhood from the downtown to the Escarpment will be protected and improved.

Policies

a) Heights of new buildings will be (subject to exceptions below) limited to a maximum of 3 storeys in the south and east, up to 6 storeys on a line from the new GO centre to Main and Wellington and up to 12 storey at Main and James.

b) Heights will be graded between the 3, 6 and 12 story units on Map 2. Height limits in the Transition and Downtown Area will also be guided by impact on nearby developments and public spaces as a secondary consideration.

c) Where buildings are being redeveloped and the current density would exceed the prescribed number of storeys, higher buildings with upper stories set back from the main building facade, will be permitted.

d) New buildings will be designed to reduce heights as much as possible to have the appearance of reduced heights and to make a positive contribution to the overall neighbourhood streetscape. Design will be compatible with and reflect the traditional character of the neighbourhood in setbacks, materials and architectural features.

e) New buildings, renovations and restorations will be of high quality in order to create a high standard of living environment.

f) Implementation will be by the Planning and Development Department using the Planning Act; rezoning will be done by the Planning and Development Department balancing the rights of owners with community interests.

9. Residential tenure

The large number of apartment buildings contribute to an ownership rate less than one third the City of Hamilton average. The existing high rise have rental accommodation convenient for many who require affordable housing close to the downtown. However, the market for multiple rental units has diminished. New high rise residential blocks are no longer in demand and are generally opposed by Corktown residents. Increase in owner occupation will help stabilize the neighbourhood.

Goal

Move towards a better balance of rental and owner occupancy for residential buildings.

Policies

a) New condominium apartments, street row townhouses, singles and semi-detached houses will be built to offset the imbalance between rental and ownership housing.

b) Condominium conversions, from rental to owner occupancy will be used to offset the imbalance between rental and ownership housing subject to the policies of Council regarding the criteria for condominium conversions.

c) Implementation will be by the Planning and Development Department using the Planning Act, Rental Housing Protection Act and other Provincial Statutes. Rezoning will be done by the Planning and Development Department balancing the rights of owners with community interests, on an individual basis.

10. Greening

Below the Claremont Access there is a band of woodland which extends into the residential area at the base of the escarpment (known locally as the 'Talus' area).

There is potential for the section of the Escarpment in Corktown to provide a spectacular backdrop to the downtown and wider area as well as providing a walking and trail system with excellent accessibility. There has been little environmental restoration of the Escarpment following the construction of the Jolley Cut and Claremont Access. Vehicular travel through the area could also be made more pleasing and dramatic.

Within the neighbourhood there are a number of park and street trees. There is potential for many more trees especially in and around the downtown. Trees have aesthetic, anti-pollution, wind mitigation and shade benefits.

Goal

To reforest and regreen the neighbourhood, building on existing landscaping and to restore the green link along the scarp face.

Policies

a) The natural areas of the Niagara Escarpment, in the area of the Claremont Access and Jolley Cut will be enhanced through tree plantings, additional parks, gardens and natural areas. The area will look attractive from the Downtown, Corktown and from the roads crossing the Escarpment. It will be linked to and complement the Corktown open space system and Sam Lawrence Park at the Escarpment Brow. The great potential for the area to be a backdrop to a large portion of the City including the downtown will also complement the Royal Botanical Gardens as an image enhancing and tourist asset for the City.

b) Street and park trees and shrubs will be supplemented with priority treatment given to car parks, vacant sites and to streets acting as pedestrian links.

c) All new development will have high quality landscaping compatible with landscaping plans for the neighbourhood and in keeping with a high quality of environment which is appropriate in Corktown.

d) Climbing vegetation will be used to cover concrete walls, particularly on the railway embankment, blank sides of buildings, etc.

e) implementation will be through a landscaping design for the escarpment area and identification of additional planting areas.

11. Pedestrian Links and Trails (Map 3)

The existing and proposed parks will be more effective if connected by links to the existing trail systems eg. Bruce Trail and the Rail Trail at Wentworth Street. Ferguson Avenue has already been identified in the Ferguson Master Plan as a pedestrian link to the North End and

Harbourfront. A green link is needed between the proposed park and Carter Park/Central Memorial Recreation Centre so that a wishbone configuration can be created with one fork leading to Ferguson Avenue and the downtown and the other through the Field of Dreams and up to the Escarpment. A stronger link including possible road closures can be established if the rail line is closed. There will be a great opportunity for trails and better links across the railway embankment if the rail line is closed. However, there are no plans for closure at this time.

Goal

Establish an open space system with nodes and links throughout the neighbourhood.

Policies

a) an open space system will be established in Corktown using parks, trails and streets with less traffic in accordance with Map 3.

b) the Bruce Trail Association will be requested to provide a reconnected naturalized trail in Corktown Neighbourhood.

c) a link from the new playing fields to Carter Park/Central Memorial Recreation Centre will be developed. The replacement of the Ferguson Avenue steps up the Escarpment connecting to the Bruce Trail will be included in improvement plans.

d) the upgrading of Ferguson Avenue in accordance with the Ferguson Master Plan will be a priority of the plan.

e) the neighbourhood's public areas will be designed to be fully accessible using urban braille guidelines and implemented over time. A pilot project for James Street south will be considered.

f) an overall plan of streetscaping will be prepared (co-ordinated with traffic calming measures) bearing in mind the importance of making Corktown a desirable place to live, work and play.

g) implementation will be through the Planning Department and Parks Division of Public Works with use of the parks budget.

12. Vehicular Traffic and Parking

James Street South, Main Street East, John Street South and Arkledun Avenue provide access for large volumes of through traffic. Charlton Street is a through traffic street passing the elementary school in the centre of the neighbourhood but is not a principal Regional road. John Street South and to a lesser extent, Charlton Avenue East form a barrier between

different parts of the neighbourhood. James Street South forms a barrier between Corktown and Durand and divides and weakens the James Street South business area. Local streets are car dominated and carry significant volumes of through traffic creating noise, pollution and a threat to safety.

Goal

To establish a road network within and adjacent to Corktown Neighbourhood that provides for through traffic movement at the periphery of the neighbourhood and safe residential streets that are primarily used by local traffic.

Policies

a) a task oriented committee will be formed to address the issues of neighbourhood traffic, through traffic, the road network and its functions, on street parking, and traffic calming measures in Corktown Neighbourhood. The goal of this Committee is to identify measures and establish a program of implementation that will achieve the goals of this section of the Neighbourhood Plan.

b) The through traffic function of James Street South, John Street South and Main Street East will be protected.

c) The proposed rights of way road allowances will be reviewed to determine the necessity for taking additional land for the right of way when property is developed.

d) Charlton Avenue East will be considered for downgrading to a local road and through traffic discouraged.

e) John Street South and James Street South will have mechanisms to slow traffic, including consideration of on street non rush hour parking for their full length. However, the function of the roads as through traffic arteries will be maintained. Passage of buses and other public transport will be protected.

f) Traffic calming techniques intended to slow traffic and increase safety will be used throughout the neighbourhood particularly on local roads. Easy passage of buses and other public transport will be protected.

13. Transit

Corktown is extremely well served by transit having the GO train and bus terminal, the Mountain access buses on James Street South and John Street South and the King and Main buses to the north of the neighbourhood.

Goal

Support for the retention of a high level of transit and improvement where appropriate.

Policies

a) GO and other long distance carriers will be supported to increase transportation service from the GO centre for the downtown and neighbourhood areas.

b) Aldershot and Burlington GO station will be supported to be used by car users to avoid attracting commuter traffic downtown and the provision of additional parking.

c) HSR and other short distance carriers will be supported to continue to find ways to make their transportation better including serving streets in the neighbourhood not already served.

d) A community activities notice board will be placed in the GO Centre with Corktown Notices maintained by the Corktown Neighbourhood Association.

e) Implementation will be through GO, HSR and other carriers and the Corktown Implementation Committee.

14. Street Design

Currently, high density residential zoning discourages cohesive street design. The size of the development parcel determines front yard setbacks and the continuity of street 'wall' created by buildings. There should be an integration of the various elements which make up the street scene.

Goal

Ensure future development enhances the appearance of the street on which it fronts.

Policies

a) New development will conform to street urban design guidelines including heritage protection building envelopes, accessible public spaces, signage, lighting, street furniture, established on a block by block basis with emphasis on focal points as appropriate.

b) Urban design guidelines including architecture, sunlight, landscaping and building materials for streets where redevelopment has most potential eg. John Street South, James Street South, Hughson Street South, Jackson Street South and Hunter Street East will be a priority of this plan.

c) Implementation will be by the Planning and Development Department who will set up a study process to create the Urban Design Guidelines.

15. Identity and Signs

The area outside the Downtown and Escarpment, ie. the Neighbourhood Residential and the Transitional area is considered a village within a City. Schools, parks, restaurants and pubs will be meeting places where people get to know their neighbours. The plaza on John Street South can be considered the Village Centre.

Street signs in the neighbourhood are standard Regional/City green and cream designs. Specially designed additions to street signs for Corktown Village and gateways would enhance Corktown's identity and supplement existing designs.

Goal

To give special identity to Corktown by providing focal points and by using signs, gateways and other means of signifying its Irish origin.

Policies

a) All street name signs outside the downtown will be modified to add 'Corktown Village' a date and an emerald green shamrock motif.

b) Such identification will be encouraged on other signs including private signs.

c) LACAC will be requested to review the placement of historical markers for urban interpretation, buildings with historical significance, former names of streets, and the former Lake Iroquois shoreline.

d) Gateways to Corktown eg. the bridge over Charlton Avenue and other bridges will be identified and designed as entrances to the neighbourhood and Corktown Village.

e) The plaza area bounded by John Street South, Catherine Street South, Forest Street and Young Street will be identified and promoted as the Corktown Village Centre or Square.

f) The local pubs will be given consideration for upgrading, sympathic restoration and gearing more to the neighbourhood and families.

g) Implementation will be through the design committee of the Central Area Plan Implementation Committee and Corktown Neighbourhood Association and co-ordinated by the Planning Department. The streetname signs will be reviewed by Traffic Divisions and Public Works Department and changes on Regional Roads be approved by Regional Council.

16. Lighting

Most of the lighting is high pressure sodium vapour lighting on tall poles.
Lighting is geared to traffic in the neighbourhood. Some areas are inadequately lit according to a survey of the area as part of the Neighbourhood Plan process.

Goal

All roads will be well lit but Regional roads will have traffic oriented lighting and other areas will have pedestrian oriented lighting.

Policies

a) Lighting will be upgraded for traffic and pedestrian safety as part of the ongoing upgrading and redevelopment process.

b) Traffic oriented lighting will be maintained on arterial roads.

c) Pedestrian oriented lighting eg. lower poles, more poles, less glow, attractive design reflecting traditional design, will, over time, replace the tall sodium vapour lights in the remainder of the neighbourhood to make streets more human scale and avoid light pollution, i.e. over lighting and allowing light to escape upwards.

d) Lighting effects as part of the upgrading of the escarpment face will be considered.

e) Implementation will be through the Public Works Department and the Traffic Calming Committee (see Policy 12a). A safety audit should be prepared through the Corktown Implementation Committee.

17. Heritage (Map 3)

Features of the neighbourhood which have architectural and historic importance give Corktown its unique character.

Goal

The important architectural and historic features of the neighbourhood will be retained, restored and enhanced.

Policies

a) Heritage building designation will be at the request of the owner or where a building is threatened with demolition.

b) Grants and loans for heritage purposes will be given where appropriate to buildings which are designated in order to restore heritage character.

c) Listed buildings will be issued a demolition permit only when all avenues for saving them have been explored and a building permit for a replacement project has been issued.

d) New development on streets with historic streetscapes (Map 3) will be designed to be in keeping with and sympathetic to architectural and historic character.

e) Potential heritage districts (Map 3) where owners support the concept, will be prioritized along with other areas requesting studies. The potential areas include the Liberty Street area, the Augusta/Catherine area, James St. South, Freeman Place and the east end of Charlton Avenue East.

f) Implementation will be through the Local Architectural Conservation Advisory Committee and the Planning and Development Department using the Heritage Act and the Planning Act.

18. Residential Demolitions

Older residential buildings provide affordable accommodation close to the downtown. Demolition reduces affordable housing and may result in vacant or underutilized land.

Goal

Affordable housing will be protected through demolition control in the Planning Act.

Policies

a) Residential units will be retained wherever possible; the use of demolition control to ensure a building permit is issued for a replacement project prior to demolition is supported by the neighbourhood.

b) Implementation will be through the Planning and Development Department and Building Department under the Planning Act.

19. Aesthetics

There are a number of unsightly areas in the neighbourhood including poorly maintained property, vandalized property, unpainted underpasses and garbage.

Goal

To improve the appearance of the neighbourhood through visual improvements and maintenance.

Policies

a) Areas of opportunity for improvement will be dealt with as quickly as possible in order to improve the living environment and the image of Corktown.

b) The areas identified as 'areas of opportunity', including sites awaiting development, will be improved through screening and site clean up (Map 3).

c) Maintenance of buildings, streets and other public areas will be carried out to a high standard.

d) Implementation will be done through the budget of the Public Works Department in liaison with the Planning and Development Department. Any work on private land will be in co-operation with the owner. Operation of the Property Standards by-law is through the Building Department.

20. A Community Participation

Community participation in planning decisions is prescribed under the Planning Act. However full participation from the earliest stage possible is expected by stakeholders in order to help resolve planning issues.

Goal

Public participation in planning decisions affecting Corktown will be as full and as early in the process as possible.

Policies

a) The Corktown Neighbourhood Association and business organizations, (run as an independent group unless planning time can be provided by the Planning Department) will ensure the Corktown Neighbourhood Plan is implemented.

b) The Corktown Neighbourhood Association, the James South Business Group and Corktown Neighbourhood Association will be notified of development applications in their area.

c) Implementation will be done by the Corktown Neighbourhood Association (appointed by the community) in liaison with the Planning and Development Department.

d) A program of implementation will be drawn up by the Planning and Development Department in conjunction with other Departments for use in the budget process so that projects can be implemented as soon as possible.

21. Neighbourhood Promotions and Events

The Neighbourhood Association represents the residential point of view of the neighbourhood. The James Street South Business Group represent the business interests of its area. The downtown area does not have a representative organization. There is a need to bring these interests together to promote a cohesive community through programs and events common to Corktown.

Goal

Form a cohesive and co-ordinated promotional and events program.

Policies

a) That the various interests in the neighbourhood will be brought together to arrange neighbourhood wide events, sponsorships and promotions.

b) Implementation will be done by the Corktown Neighbourhood Association through work with government and other agencies.

22. Monitoring and Review

Monitoring statistics and reviewing the plan are essential to keep it on track and up to date.

Goal

The Corktown Neighbourhood Plan will be monitored and reviewed as needed.

Policies

a) Statistics and issues will be monitored when new information is released from the census and/or assessment.

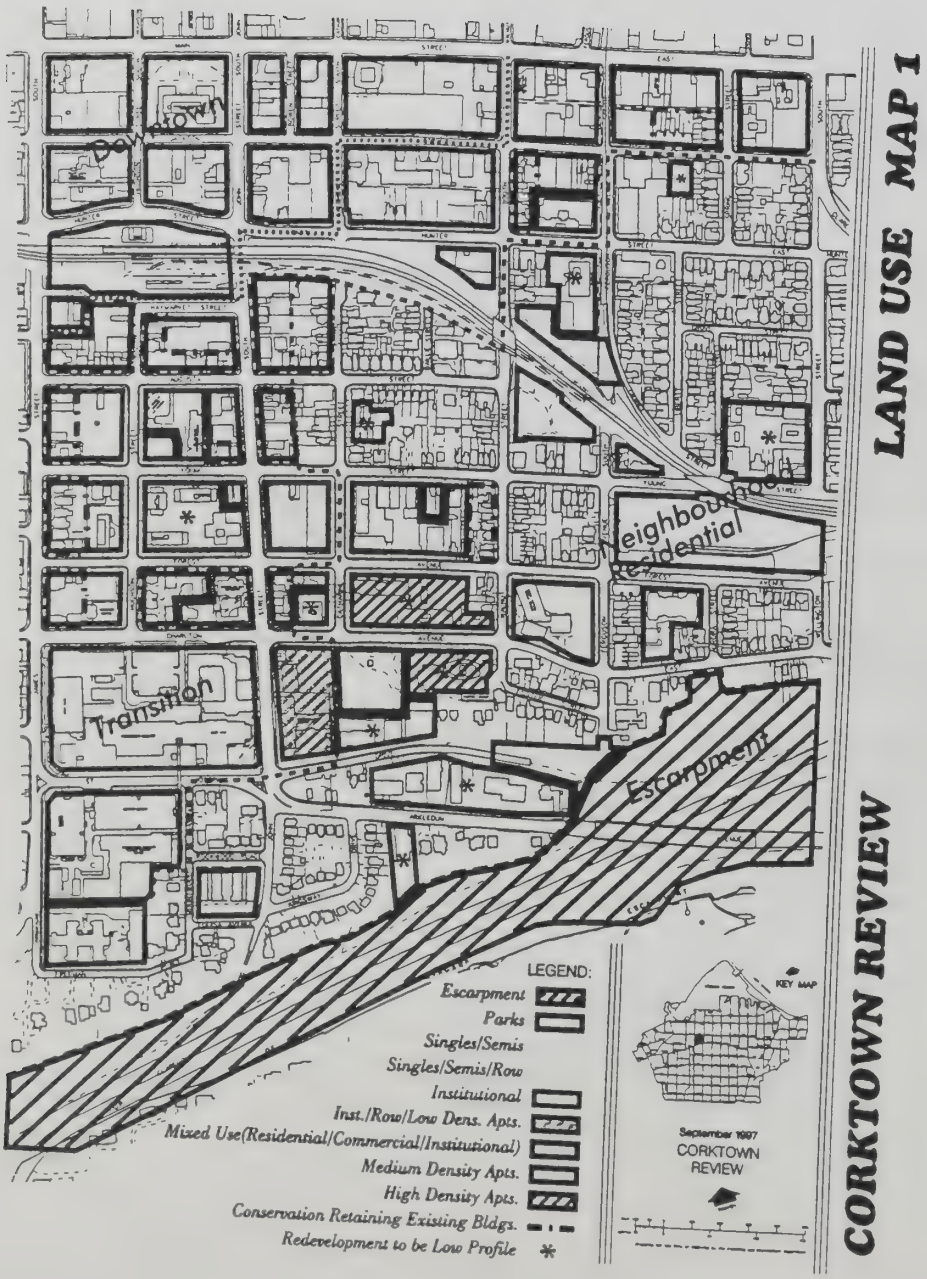
b) A review of the plan and its implementation will be done at the time the statistical monitoring is done. This review will include development details, program expenditures, implementation projects and their status, and the statistical review.

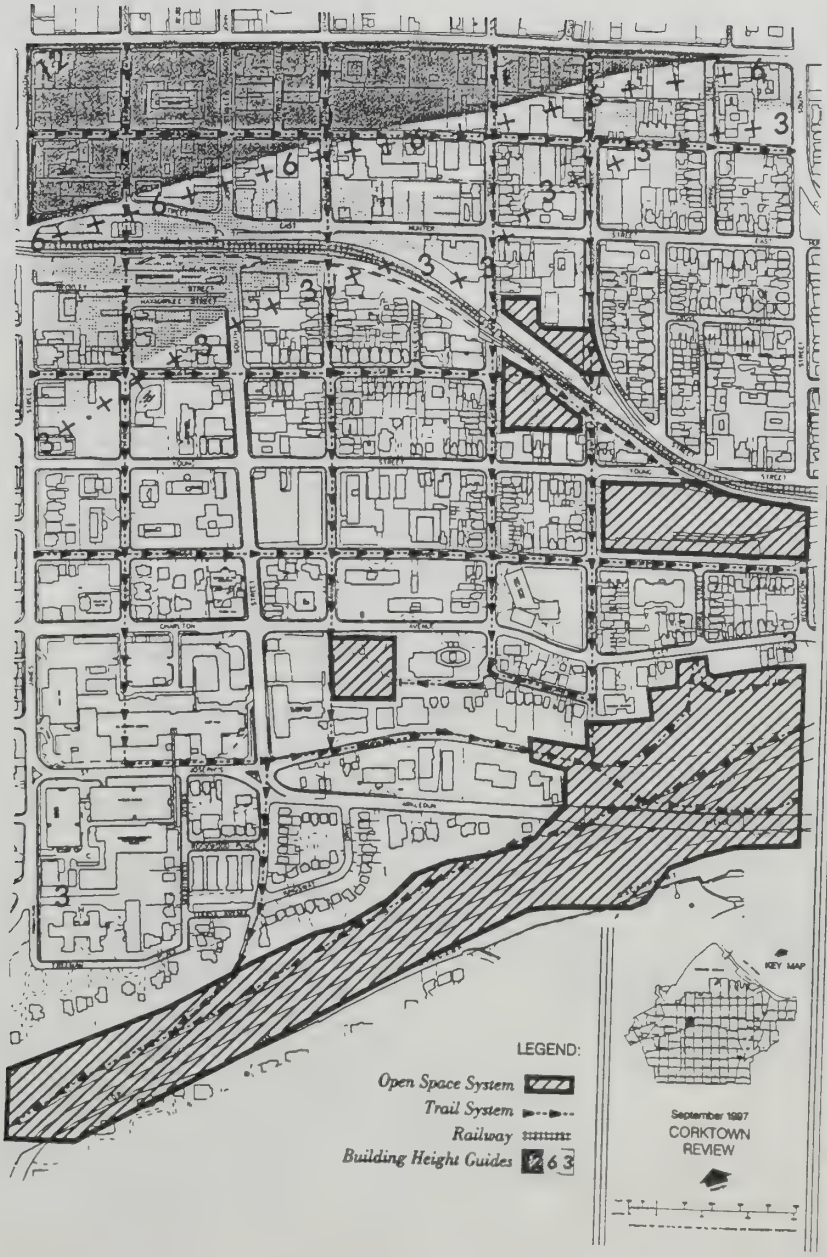
c) Amendments to the Plan can take place at anytime through the normal process of Neighbourhood Plan or Official Plan Amendment and stakeholder involvement.

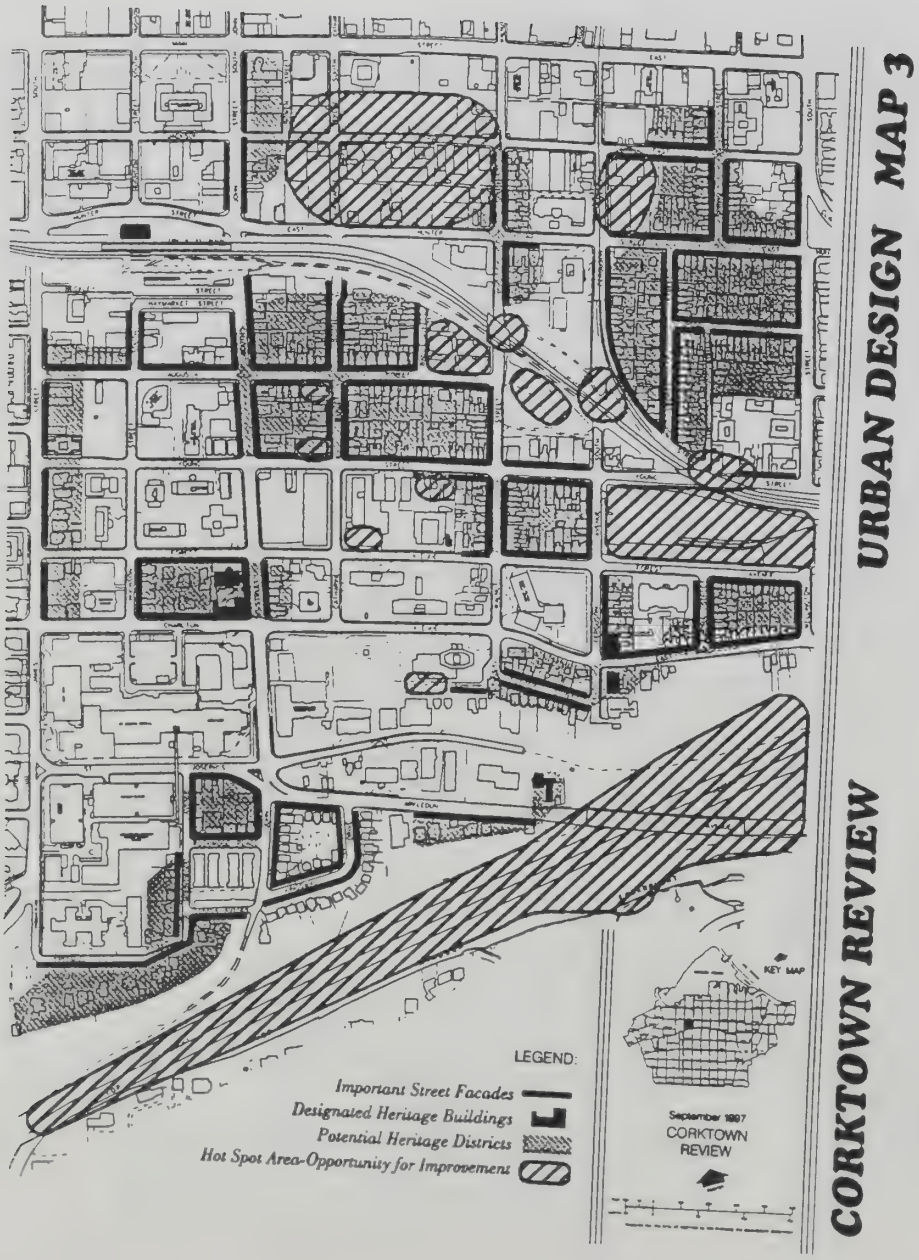
d) All enforcement will be done as quickly as possible. Consideration will be given to the effects on the health of the business areas when regulations are developed and implemented.

e) Implementation will be through the Corktown Neighbourhood Association, the Planning and Development Department, and the Building Department.

f) Maps are for guideline purposes and minor adjustments to the land use designations will be permitted provided the intent of the neighbourhood plan is maintained.


CORKTOWN REVIEW
LAND USE MAP 1
Transition
Escarpment
LEGEND:
Escarpment
Parks
Singles/Semis
Singles/Semis/Row
Institutional
Inst./Row/Low Dens. Apts.
Mixed Use(Residential/Commercial/Institutional)
Medium Density Apts.
High Density Apts.
Conservation Retaining Existing Bldgs.
Redevelopment to be Low Profile
KEY MAP
September 1997
CORKTOWN
REVIEW


CORKTOWN REVIEW OPEN SPACE AND TRAILS MAP 2
LEGEND:
Open Space System
Trail System
Railway
Building Height Guides
KEY MAP
September 1997
CORKTOWN
REVIEW


URBAN DESIGN MAP 3
CORKTOWN REVIEW
LEGEND:
Important Street Facades
Designated Heritage Buildings
Potential Heritage Districts
Hot Spot Area-Opportunity for Improvement
KEY MAP
September 1997
CORKTOWN
REVIEW

Corktown Neighbourhood Plan
Action Chart

Project #	Actions	Adopted With Plan	Ongoing	Timing	Implementors
	PROJECTS				
C1	Acquisition of the CP Yard for Parks Purposes		X	Short Term	Parks Staff Committee
C2	Landscaping Plan to enhance the Escarpment Natural Area		X	Medium Term	Public Works and Traffic Department; Corktown Neighbourhood Association
C3	Development of Link between Carter Park and Central Memorial Recreation Centre.		X	Short Term	Public Works and Traffic Department
C4	Urban Braille Project for James Street South.		X	Medium Term	Public Works and Traffic Department
C5	Streetscaping Plan for Neighbourhood		X	Medium Term	Public Works and Traffic Department
C6	Corktown Street Signs		X	Short Term	Public Works and Traffic Department
C7	Clean up and screening program - areas of opportunity		X	Medium Term	Corktown Neighbourhood Association
C8	Establishment of a neighbourhood promotional program		X	Medium Term	Corktown Neighbourhood Association

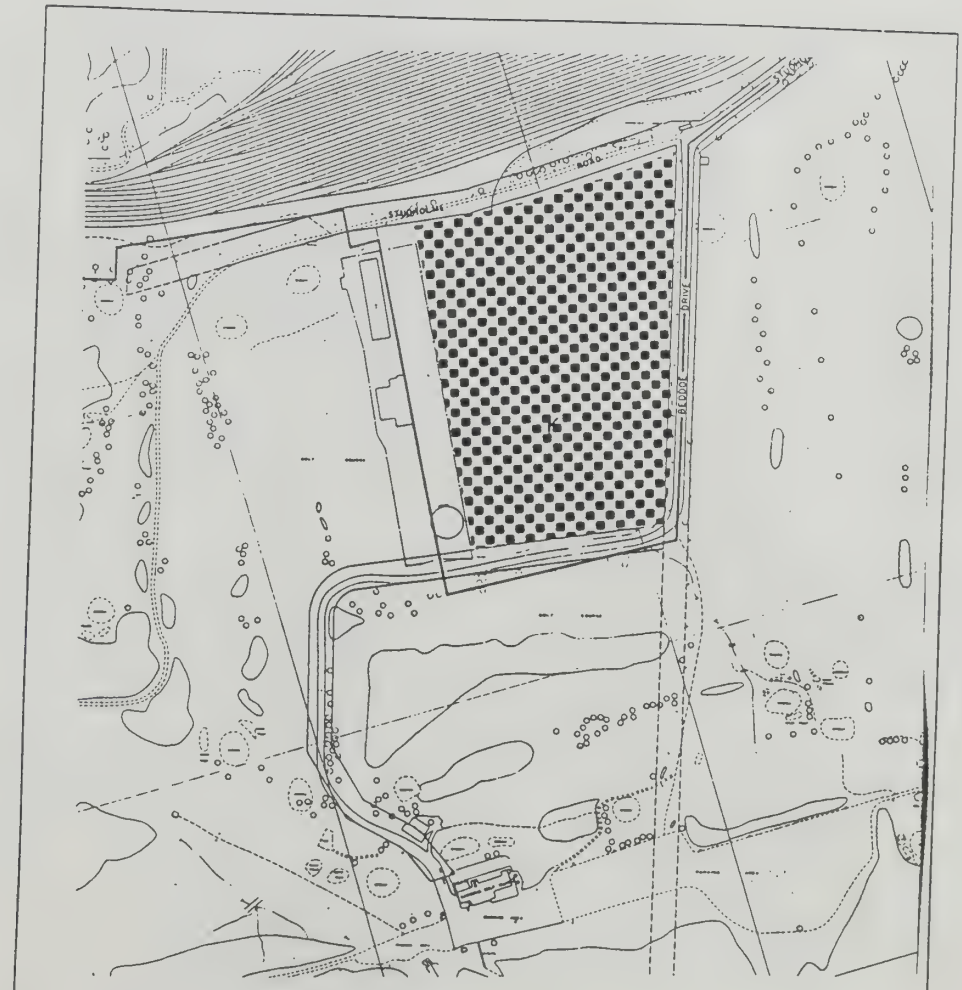
Corktown Neighbourhood Plan
Action Chart

Project #	Actions	Adopted With Plan	Ongoing	Timing	Implementors
	REGULATIONS				
C9	Development of a Zoning District for Institutional Uses		X	Medium Term	Planning and Development Department
C10	Review of Development Permit System		X	Medium/Long Term	Planning and Development Department
C11	Task Oriented Committee on Traffic Calming		X	Short Term	Planning and Development Department; Public Works & Traffic Dept.; Roads Dept.
C12	Urban Design Guidelines for Corktown Neighbourhood		X	Medium Term	Planning and Development Department
C13	Review of Potential Heritage Districts		X	Short Term	LACAC
C14	Statistical Update		X	Medium Term	Planning and Development Department

Legend for Timing:

Short Term: 18 months
Medium Term: 2-5 years
Long Term: beyond 5 years

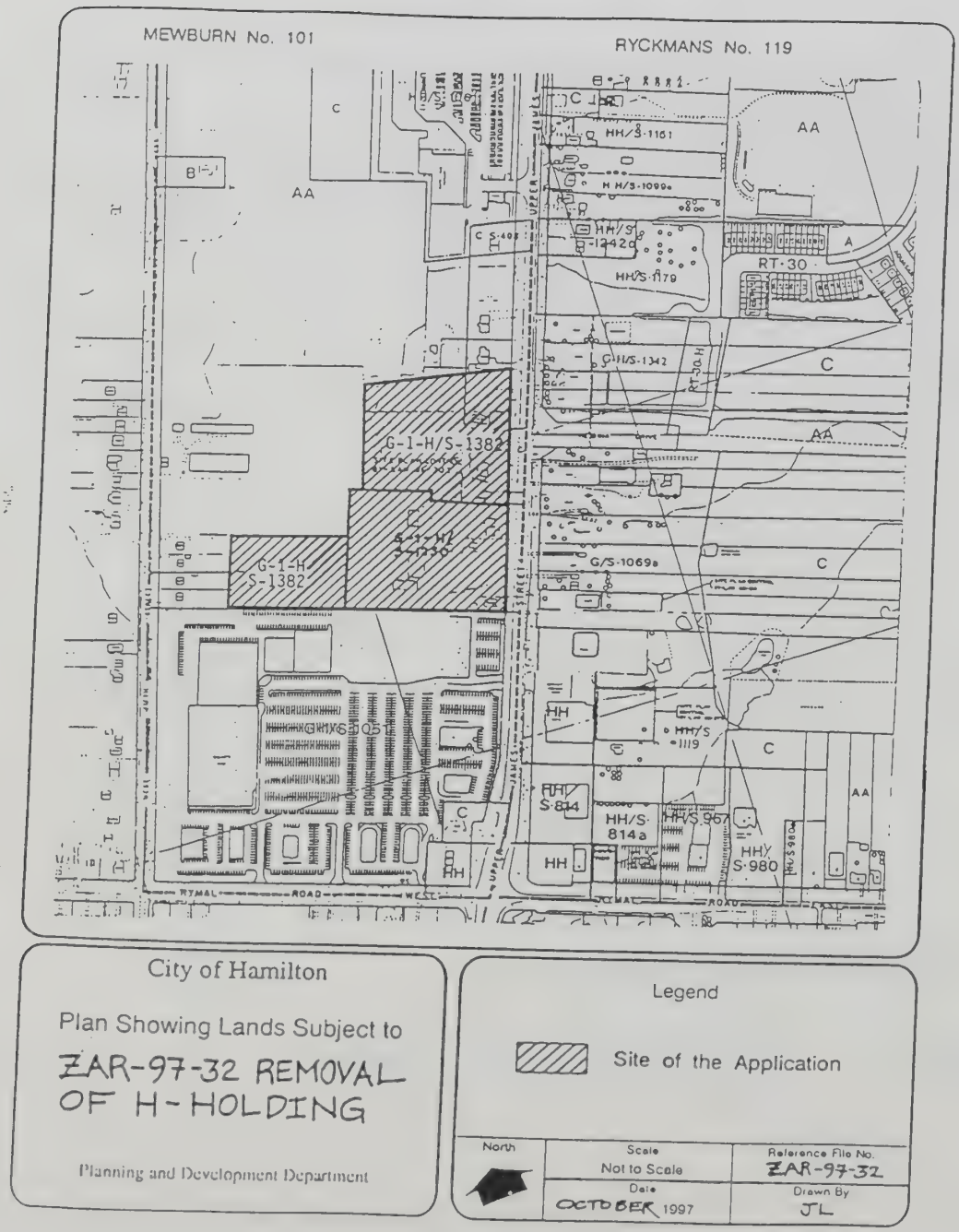
Appendix "C" referred to in Section 4
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



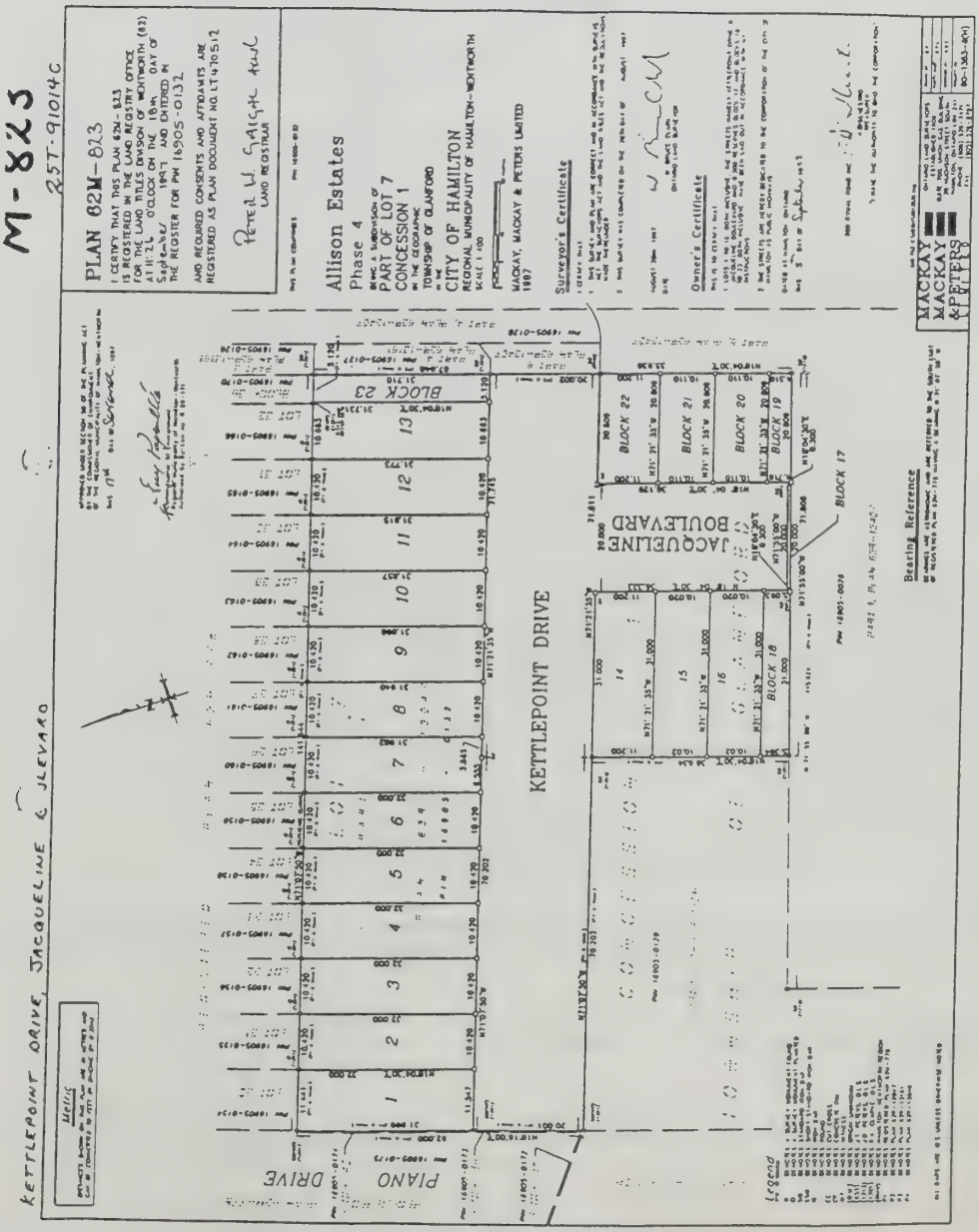
Changes to the Hamilton Official Plan

1. Schedule "A" - Land Use Concept of the Official Plan: Redesignate from "Industrial" to "Residential".
2. Schedule "B" - Special Policy Areas: Add as a new Special Policy Area.

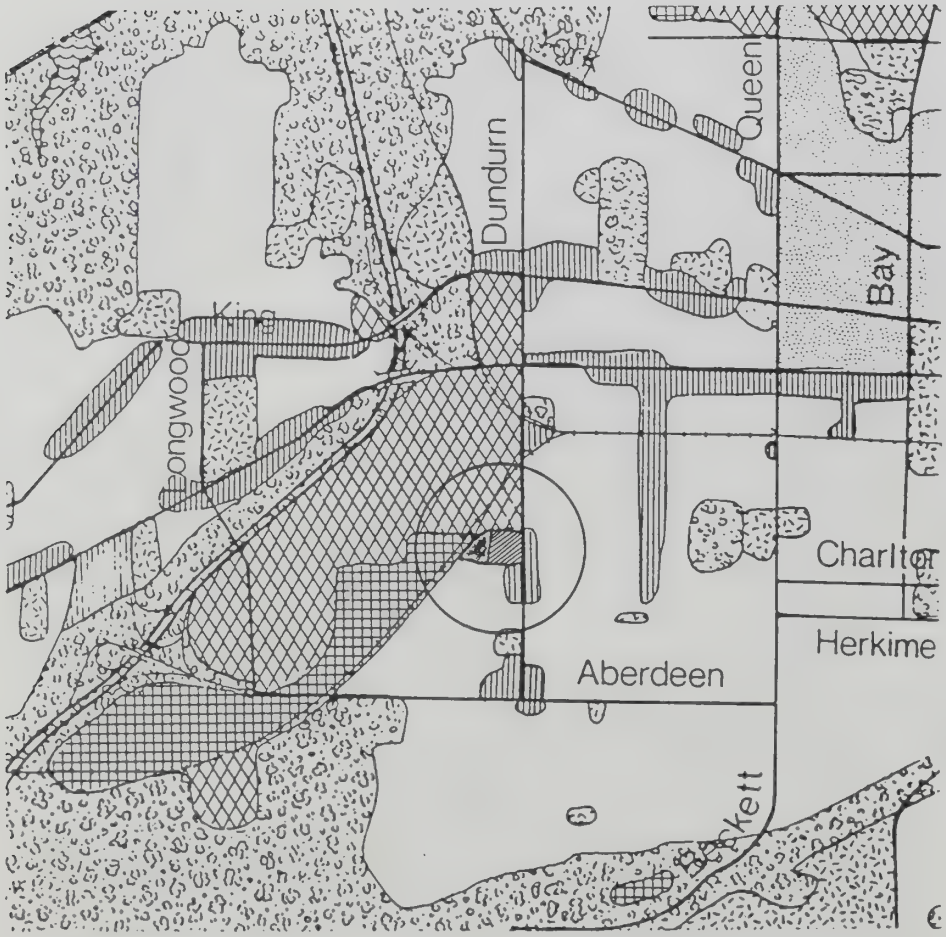
Appendix "D" referred to in Section A.(b)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



Appendix "E" referred to in Section A.(c)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



Appendix "F" referred to in Section D.(i)(a)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



Legend

Proposed changes:

"Major Institutional" to "Residential"

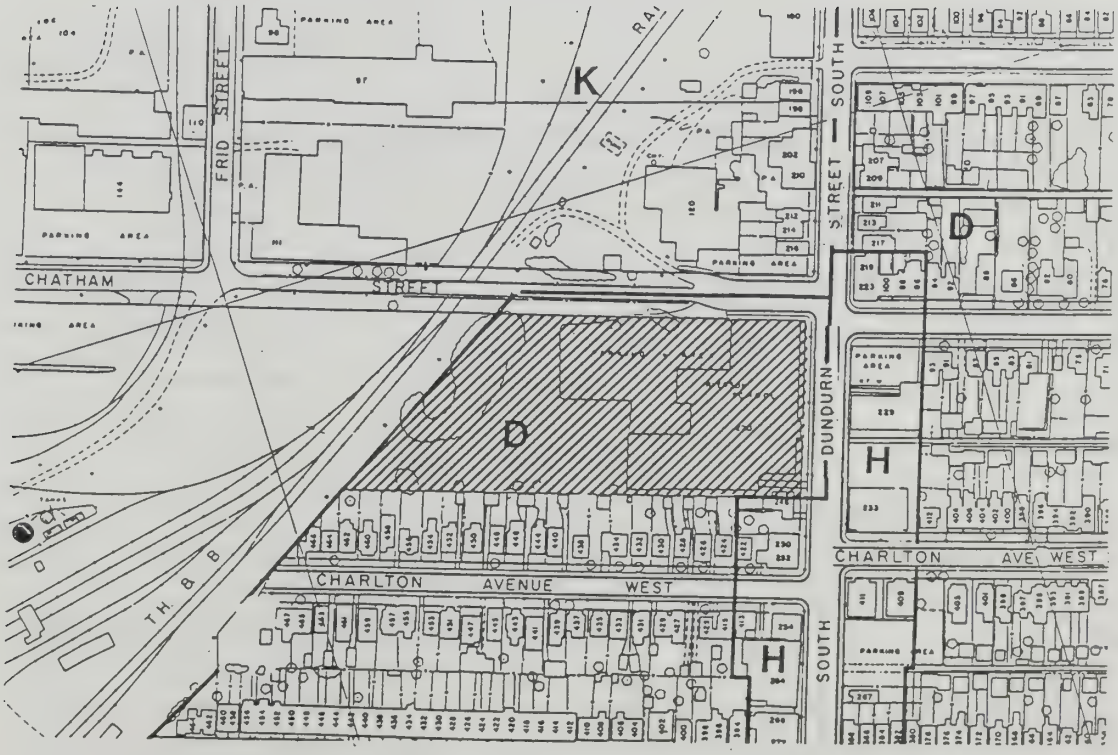
"Open Space" to "Residential"

Drawn By	Date
R. L.	Sept. 1997

Scale
Not to Scale

North

Appendix "G" referred to in Section D.(i)(b)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22

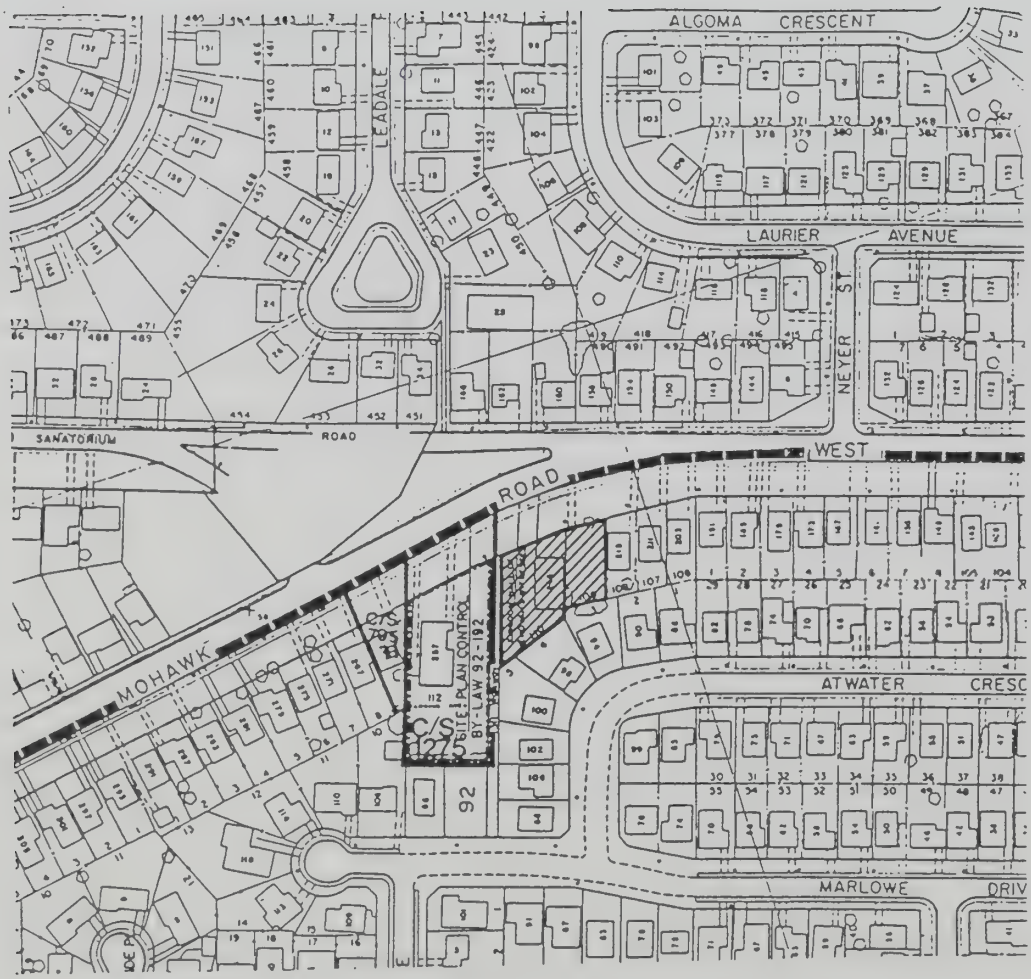


Legend

Site of the Application

Reference File No	
ZAC-97-26	
Drawn By	Date
	July 1997
Scale	
Not to Scale	
North	

Appendix "H" referred to in Section D.(ii)(b)
of the minutes of the Planning and Development
Committee meeting held 1997 October 22



Legend

Site of the Application

Reference File No.	
ZAR-97-22	
Drawn By	Date
W. B.	May1997
Scale	
Not to Scale	
North	

NOV 14 1997

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 10

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (97.2.14, 97.2.4.2.1.A)

RECOMMENDATION:

a) That the remainder of the 1997 Festival Allocation be approved towards the Barton Village BIA Promotional Reception Budget in Schedule A as part of the Festival component of the Barton Street Revitalization Program; and,

b) That the City Treasurer be authorized and directed to forward $6,089.42 to the Barton Village B.I.A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario has provided a total of $1,000,000 directly to the City of Hamilton over the past three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals, and street enhancement.

.../2

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40.000 was provided for street festivals.

The resolution approved by Council states as follows:

> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. wishes to use the remainder of the 1997 Festival Allocation of $6,089.42 towards the Barton Village BIA Promotional Reception. The estimated total cost of the Promotional Reception will be approximately $7,744 with the remainder of the cost being funded from the Barton Village BIA.

LCK/dc
Encl.

c.c. Allan C. Ross, Treasurer
Doug Lobo, Director of Public Works and Traffic

SCHEDULE A

BARTON VILLAGE BIA PROMOTIONAL RECEPTION

Banquet Hall/Food/Refreshments	$1,100
Folders and Inserts	$1,000
Entertainment	$ 100
Expo Board	$ 800
Facade Study	$3,750
Invitations and Postage	$ 190
Miscellaneous Office Supplies	$ 100
Sub-total	$7,040
10% Contingency	$ 704
TOTAL	**$7,744**

3 (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 4

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
302 Barton St E (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Fernando & Maria DeSousa, for improvements to 302 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Fernando & Maria DeSousa, for improvements to 302 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 302 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 302 Barton Street East:

a. $25,000 loan amortized over ten years at 2.63 per cent interest. Grant portion $12,500. Security: promissory note and lien. Monthly payments $236.94.

b. $5,000 loan amortized over ten years at 2.63 per cent interest. Grant portion $2,500. Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title in second place to a mortgage of $85,000 in favour of The Royal Bank of Canada.

LCK/MM/jp

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
460 Barton St E (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to 972493 Ontario Limited, for improvements to 460 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to 972493 Ontario Limited, for improvements to 460 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.63 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 460 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 460 Barton Street East:

a. $25,000 loan amortized over ten years at 2.63 per cent interest. Grant portion $12,500. Security: promissory note and lien. Monthly payments $236.94.

b. $5,000 loan amortized over ten years at 2.63 per cent interest. Grant portion $2,500. Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title in second place to a mortgage of $130,000 in favour of B & M Handelman Investments Limited. The second mortgagee has agreed to postpone to third place on title.

LCK/MM/jp

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

B (iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
11 EMERALD STREET SOUTH - Tag Number 11186
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 11 Emerald Street South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map E-13)

PRESENT USE: 8-unit Multiple Dwelling

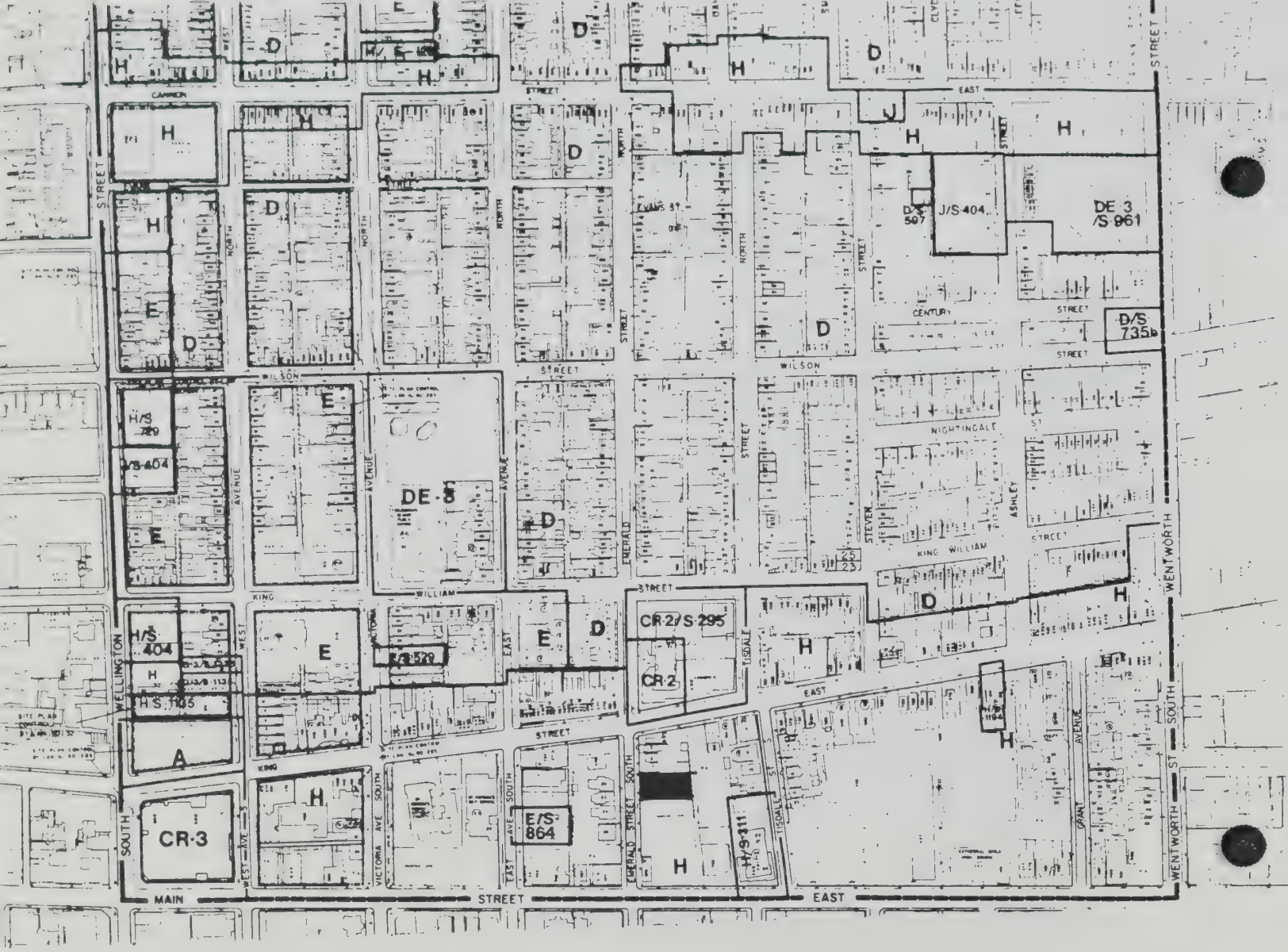
PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner proposes to demolish the existing 4-storey brick apartment building and leave the land vacant. The owner has been issued a Certificate of Approval under Section 13 of the Rental Housing and Protection Act dated October 14, 1997. The building is located in the "Landsdale" Neighbourhood and is located in Ward 3. This property is not designated historical, however, it is on our inventory list as being of interest to LACAC. Lot size 72.0' x 137.33'.

The owner of the property and applicant as per the demolition permit is:

1190771 Ontario Inc., 7 Viva Court, Stoney Creek, Ontario, L8J 1X6

FP/zr



SUBJECT PROPERTY
11 EMERALD SOUTH.

106 69 70 10 95 48 31 125 124 This is not a Legal Document For Zoning Verification Please Contact City Building Department.	CITY OF HAMILTON **LANDSDALE** **ZONING**
Neighbourhood Boundary Zoning Boundary	SCALE 0 50m 100m NORTH
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING 6608 PAGE NO. 95

B(v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 3

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len C. King, P.Eng.
Building Commissioner

SUBJECT: Gore Heritage 2000 Program
19-31 King Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

That a grant under the Gore Heritage 2000 Program in the amount of $40,000 to Aragon (King Street) Properties (Ontario) Ltd., registered owner of the former Woolworth building at 19-31 King Street East be approved for facade improvements.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A Capital Budget of $200,000 for the Gore Heritage 2000 Program was approved by City Council on 1997 March 18. Approval of a grant of $40,000 will result in a net balance of $160,000 in the program account.

Under the Planning Act, Council has adopted the Downtown Hamilton Community Improvement Plan which includes the Gore Heritage 2000 Grant Program and this Plan was approved by the Minister of Municipal Affairs and Housing effective 1997 August 12.

Application was submitted 1997 October 15 for Ministerial approval for the said Gore Heritage 2000 Grant Program as required by Section 28(8) of the Planning Act, for any measures to complement a Community Improvement Plan which would ordinarily be bonuses to business prohibited by the Municipal Act. By letter dated 1997 November 26, the Ministry has informed the City that the 1997 August 12 approval also authorized such measures.

.../2

BACKGROUND:

The Gore Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located on the Gore between James and Catharine Streets with the restoration and improvement of their street facades. The program runs until the end of 1997 December.

Buildings with a frontage of up to 50-feet are eligible to receive one matching grant, to a maximum of $20,000; those with a frontage exceeding 50-feet are eligible to receive one additional grant (max. $20,000). Buildings designated under the Ontario Heritage Act are eligible to receive an additional $5,000 matching grant.

This is the first application being processed by the City for the Gore Heritage 2000 Program. The former Woolworth building at 19-31 King Street East is eligible to receive a maximum matching grant of $40,000 due to the length of its facade, which exceeds 50-feet.

The owner has applied under the terms of the above program to rebuild the storefront. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines. The scope of work for this grant application includes the precast concrete piers, aluminum and glass windows and entrances, the decorative cornice above the display windows and entrances, and retractable awnings.

Heritage Planning staff have reviewed the estimates and support the above recommendation. The proposed storefront design and construction has also been reviewed and approved by LACAC's Research Sub-Committee.

On the basis of the foregoing, staff recommend that a grant be given under the Gore Heritage 2000 Program in the amount of $40,000.

MM/MK/jp

cc Ray Camani, Treasury Department
David Powers, Law Department
Nina Chapple, Planning Department
Mark Mascarenhas, General Manager

CITY OF HAMILTON

C (i)

- RECOMMENDATION -

DATE: 1997 November 10
ZAR-96-14 (ZAC-95-11)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for removal of the 'H' (Holding) Symbol - lands located at the rear of 141 Queenston Road.

RECOMMENDATION:

A. That approval be given to Zoning Application 96-14, 1104729 Ontario Limited (Allan Goulding), owner, requesting a removal of the 'H' (Holding) symbol provision under Section 36(1) of the Planning Act, R.S.O., 1990, to allow for the development of the subject lands for six (6) residential lots fronting Berkindale Drive (Block "1") and an auto repair garage, except paint and auto body repair, and a manual carwash consisting of eight(8) bays (Block "2") located at the rear of 141 Queenston Road, shown on the attached map marked as APPENDIX "A"; and,

B. That the Director of the Planning and Development Department be directed to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law No. 96-041, for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the by-law is to remove the 'H' (Holding) symbol, for lands located at the rear of 141 Queenston Road, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the subject lands and prohibits the development of the subject lands until:

- the applicant/owner entered into satisfactory servicing arrangements, agreements and\or easements for municipal storm and sanitary sewers and water services with the Region to the satisfaction of the Roads and Environmental Services Department.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" and "H" District modified provisions by enactment of an amending By-law once the condition is fulfilled.

The effect of the by-law is to permit the use of the subject lands for six (6) residential lots fronting Berkindale Drive (Block "1") and an auto repair garage, except paint and auto body repair, and a manual carwash consisting of eight(8) bays (Block "2").

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 96-041

  On March 26, 1996, City Council passed By-law 96-041 which changed the zoning of the subject lands to permit development for six (6) residential lots fronting Berkindale Drive (Block "1") and an auto repair garage, except paint and auto body repair, and a manual carwash consisting of eight(8) bays (Block "2"). The 'H' (Holding) provision was placed on the subject lands until:

  - the applicant/owner entered into satisfactory servicing arrangements, agreements and\or easements for municipal storm and sanitary sewers and water services with the Region to the satisfaction of the Roads and Environmental Services Department (Blocks "1" and "2").

APPLICANT:

1104729 Ontario Limited (Allan Goulding), owner.

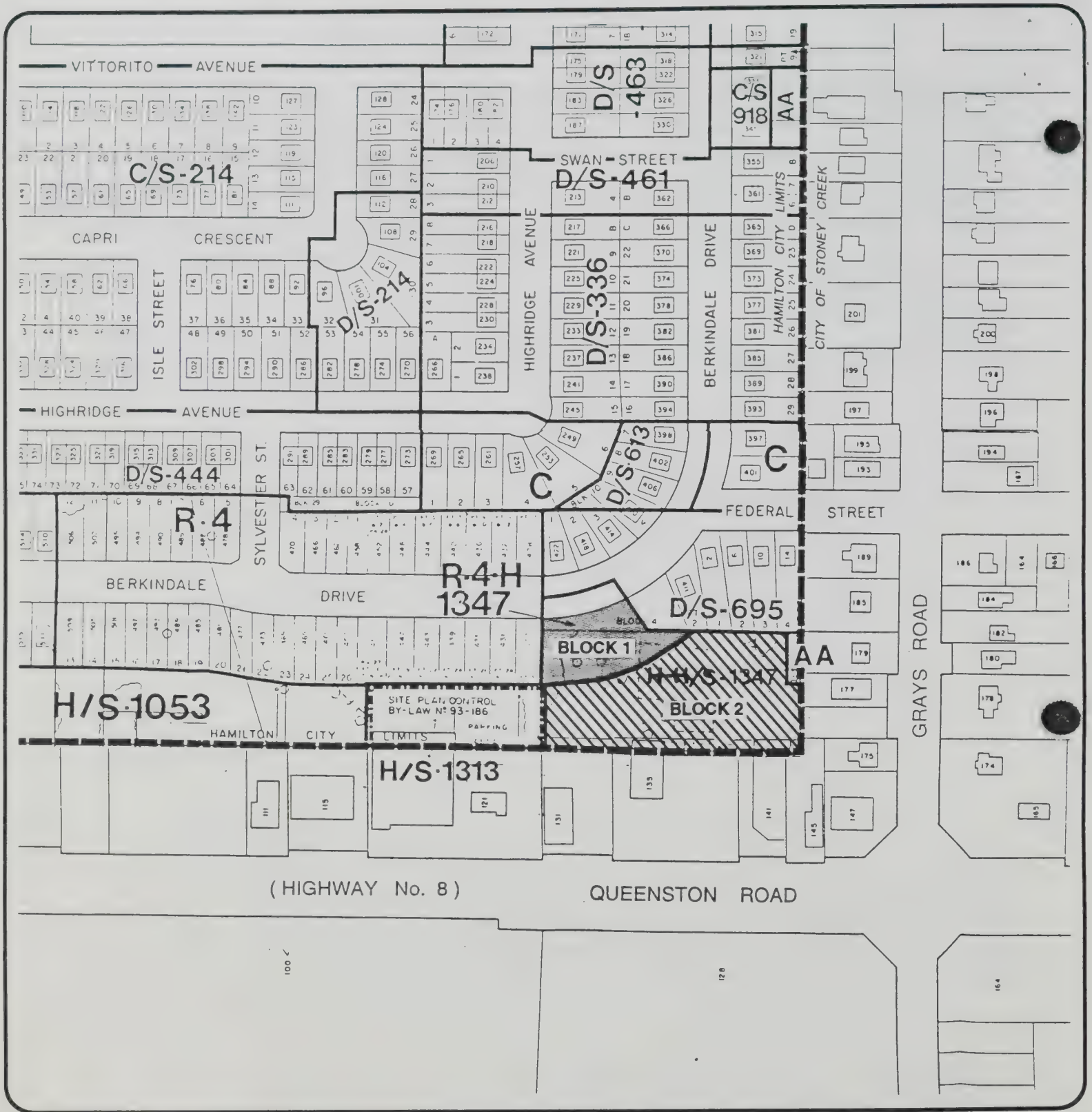
COMMENTS:

The Regional Environment Department has advised that the Special Private Drain Agreement for municipal storm and sanitary sewers and water services has been finalized. It is recommended that the 'H' (Holding) symbol be removed.

CONCLUSION:

Based on the foregoing, removal of the 'H'- Holding provision can be supported.

JL:jl
ZAR9614



Legend

BLOCK 1

From "R-4"-'H' (Small Lot Single Family Dwelling - Holding) District To "R-4"(Small Lot Single Family Dwelling) District.

BLOCK 2

From "H"-'H' (Community Shopping and Commercial, etc. - Holding) District, Modified To "H" (Community Shopping and Commercial, etc.) District, Modified.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-96-14
	Date	Drawn By
	November, 1997	R. L.

C (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 5
S718-83 P. Strong
S720-30 M. Sabelli, C.E.T.
S723-79 P. Strong

REPORT TO: S. Glover, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"Rymal Square Estates - Phase 7", Hamilton**
"Timothy Survey - Phase 1", Hamilton
"Wisemount Estates - Phase 9", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 33,750.00 in connection with "Rymal Square Estates - Phase 7", Hamilton, the sum of $ 52,500.00 in connection with "Timothy Survey- Phase 1 and the sum of $ 38,850.00 in connection with "Wisemount Estates - Phase 9" as the cash payments in lieu of the 5% land dedication required under Section 51 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

DATE: 1997 November 4

"Rymal Square Estates - Phase 7", Hamilton
"Timothy Survey - Phase 1", Hamilton
"Wisemount Estates - Phase 9", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

"Rymal Square Estates - Phase 7", Hamilton

The owner of Rymal Square Estates - Phase 7 (Rymal Square Developments Inc.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 38,850.00.

The lands of Rymal Square Estates - Phase 7 are located on the west of Upper Wentworth Street and north of Rymal Road East in the Butler Neighbourhood. (see attached plan)

Timothy Survey - Phase 1, Hamilton

The owner of Timothy Survey - Phase 1 (1036210 Ontario Ltd.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 52,500.00.

The lands of Timothy Survey - Phase 1 are located west of Upper Wentworth Street north of Stone Church Road East in the Crerar Neighbourhood. (see attached plan)

"WISEMOUNT ESTATES - PHASE 9"

The owner of Wisemount Estates - Phase 9 (822827 ONTARIO INC.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 33,750.00.

cont'd...

DATE: 1997 November 4

"Rymal Square Estates - Phase 7", Hamilton
"Timothy Survey - Phase 1", Hamilton
"Wisemount Estates - Phase 9", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

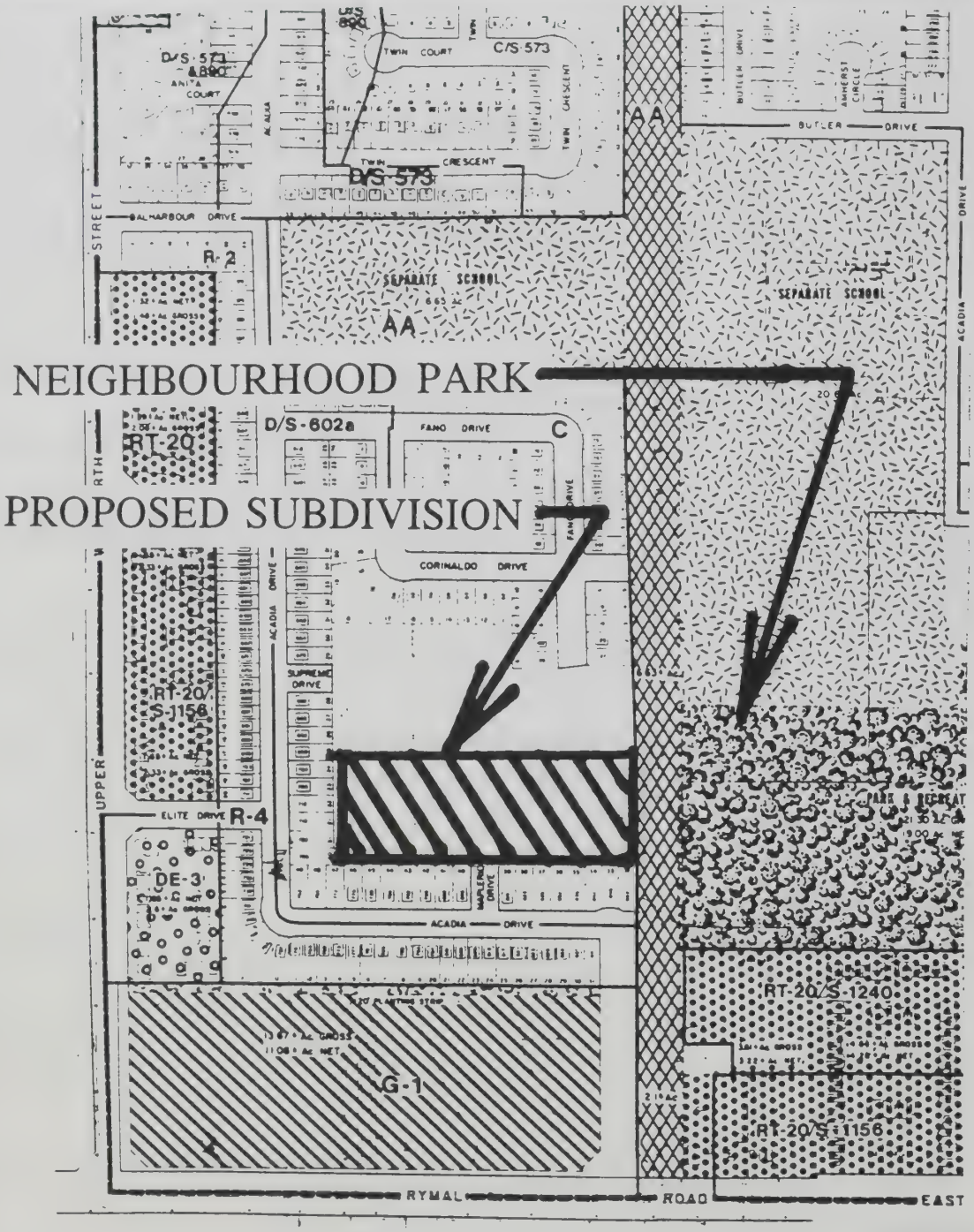
The lands of Wisemount Estates - Phase 9 are located on the west of Upper Kenilworth Avenue north of Limeridge Road in the Lisgar Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

EC/ms/ps

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

O:\P&D\97-11-04



BUTLER

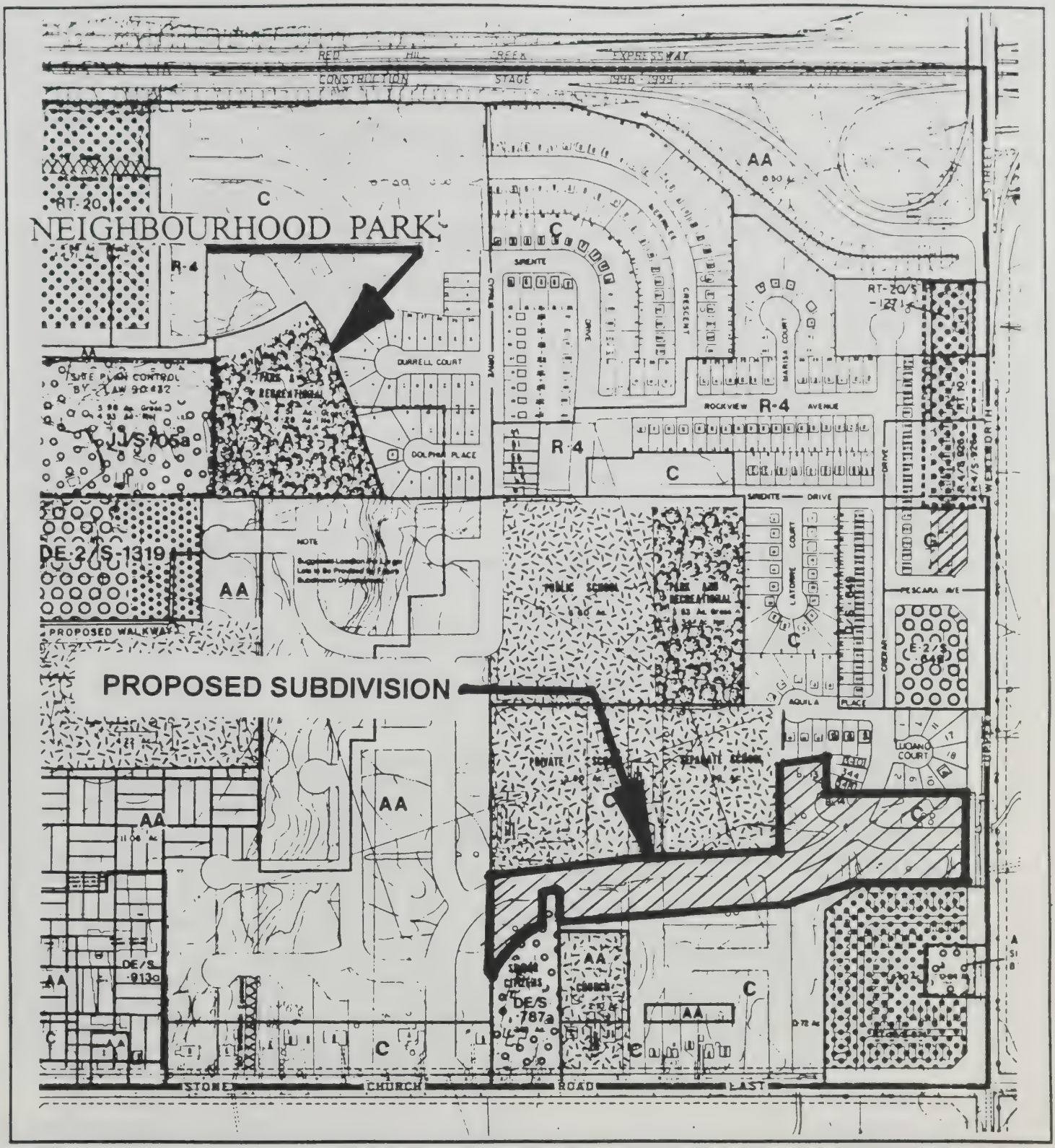
APPROVED PLAN

NORTH

LOCATION PLAN

"RYMAL SQUARE - PHASE 7", HAMILTON

SUBLIST/DISC



LEGEND

Subject Lands

KEY PLAN

"TIMOTHY SURVEY - PHASE 1"

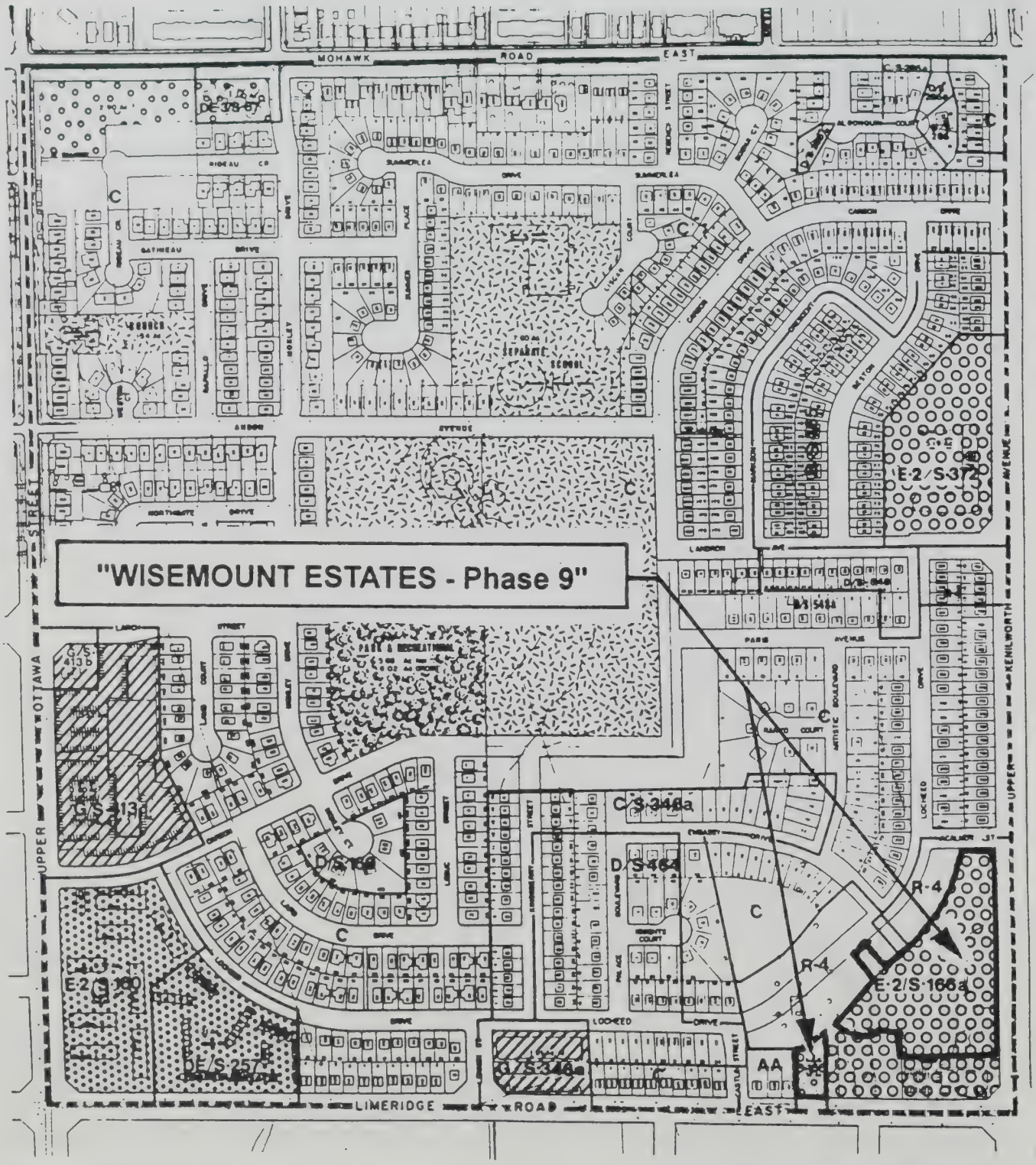
NORTH

CITY OF HAMILTON
CRERAR

DATE
Sept. 23, 1997

FILE No.
S720-30

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division



LEGEND

Subject Lands

KEY PLAN
"WISEMOUNT ESTATES - Phase 9"

NORTH

NEIGHBOURHOOD
LISGAR- Approved Plan

DATE
Sept. 16,1997

FILE No.
S 723 79

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

C (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 28
Crown Point East Neighbourhood
A-97-239

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Site Plan Control By-law for lands located at No. 1200 Barton Street East

RECOMMENDATION:

(a) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 1200 Barton Street East, as shown on the attached APPENDIX "A", and that the Site Plan Control By-law attached as APPENDIX "B", be presented to City Council for adoption.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On October 15, 1997, the Committee of Adjustment approved application A-97-239, to permit an expansion of the restaurant (Harvey's & proposed Swiss Chalet) located at No. 1200 Barton Street East, with the following variances to the "H" (Community Shopping and Commercial, etc.)

District zoning:

- the driveway for the drive thru is located as close as 1.16 m (3.79 ft.) to the boundary of a residential district to the south instead of the minimum required 12.0 m (39.37 ft.);

- the parking area and manoeuvring area is located as close as 3.96 m (13.0 ft.) to the boundary of a residential district to the south instead of the minimum required 12.0 m (39.37 ft.);

- the required loading space is not provided; and

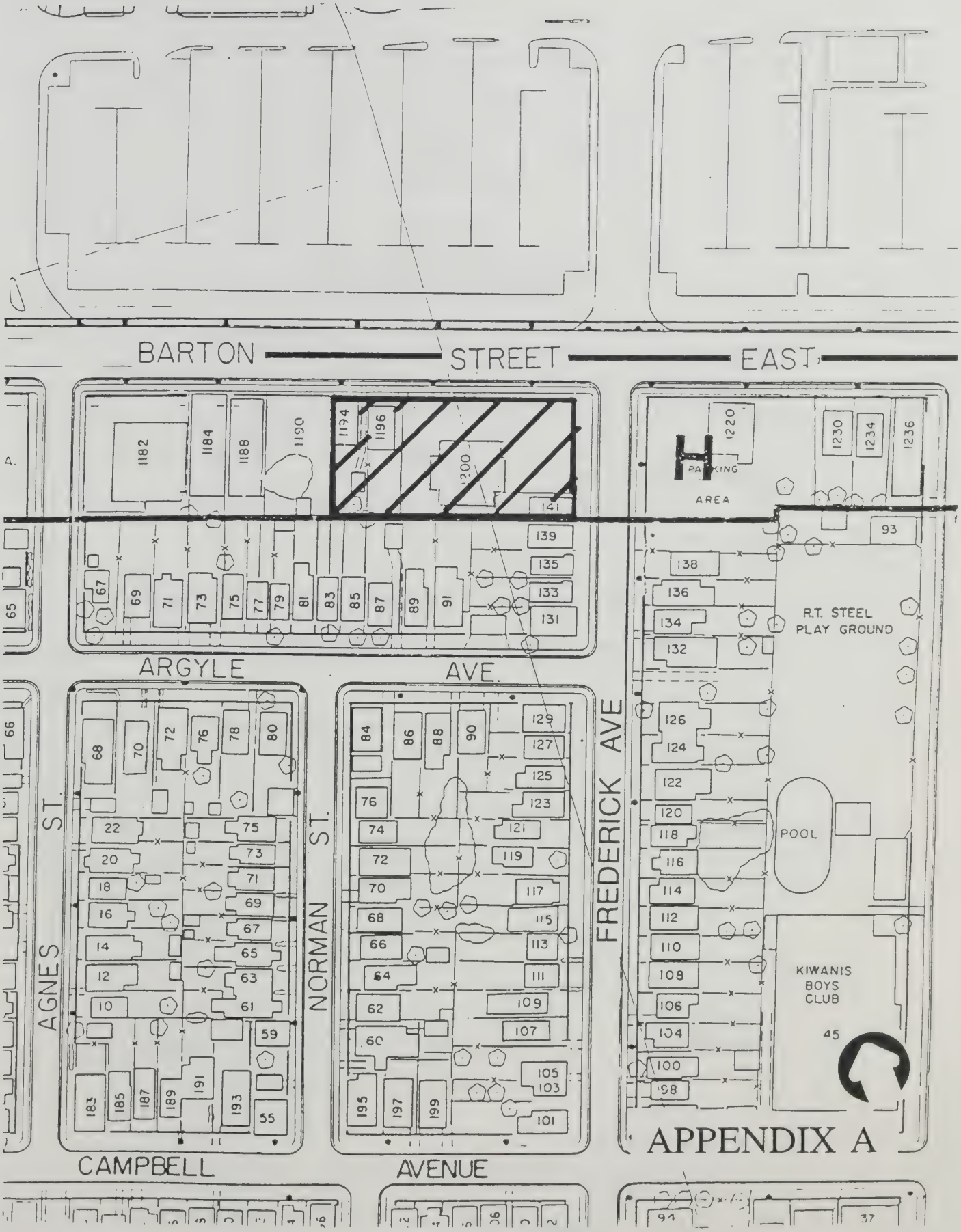
- two buildings will remain on the same lot, one of which contains a residential dwelling unit.

The approval is conditional upon the applicant receiving Site Plan approval. Lands that are zoned "H" (Community Shopping and Commercial, etc.) District are not under Site Plan Control. Accordingly, the subject lands must be placed under Site Plan Control, to implement the Decision of the Committee of Adjustment.

CONCLUSION:

Based on the foregoing, the lands located at No. 1200 Barton Street East should be placed under Site Plan Control. The Planning and Development Department has prepared the Site Plan Control By-law, attached as APPENDIX "B", for presentation to City Council. The By-law has been prepared in a form satisfactory to the City Solicitor.

CL-M


BARTON STREET EAST
ARGYLE AVE.
AGNES ST.
NORMAN ST.
FREDERICK AVE
CAMPBELL AVENUE
PARKING AREA
R.T. STEEL PLAY GROUND
POOL
KIWANIS BOYS CLUB
APPENDIX A

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO.
1200 BARTON STREET EAST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

   166. Land located at Municipal No. 1200 Barton Street East, shown on Appendix 166 hereto annexed and forming part of this by-law.

2. Appendix 166 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

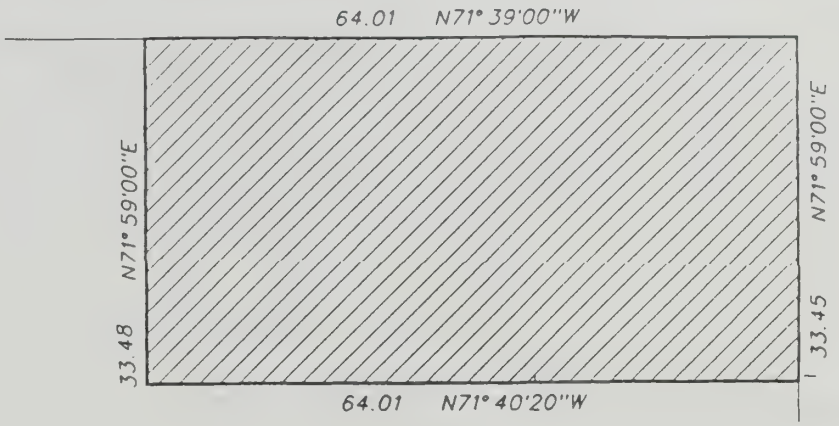
PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 17 R.P.D.C. , November 25
Penwin Enterprises Inc., Owner
A-97-239

APPENDIX B

BARTON STREET EAST



FREDERICK AVENUE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

Clerk

Mayor

City of Hamilton

Appendix 166

to the By-Law No. 79-275

as Amended by By-Law No. 87-223

Planning and Development Department

Legend

Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No
	NOT TO SCALE	A-97-239
	Date	Drawn By
	November 1997	B. B.

C (IV)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 10
(ZAC 97-26/OPA143)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: **Modification to Official Plan Amendment No. 143**
220 Dundurn Street South/Kirkendall North Neighbourhood

RECOMMENDATIONS:

A. That City Council request the Regional Municipality of Hamilton Wentworth to modify Official Plan Amendment No. 143, for the property located at No. 220 Dundurn Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) The following new Policy be added to Section A.2.9.3 - Other Policy Areas as Policy A.2.9.3.69:

1) "That notwithstanding Policy A.2.3.7, Residential uses shall be permitted within 400 metres of a heavy industrial area"; and,

ii) The following be added to Schedule "B" - Other Special Policy Areas:

1) "Special Policy Area No. 74"; and,
2) "Area 74 refer to Policy A.2.9.3.69" in the legend, as shown on the attached Schedule "B".

B. That the City Clerk be requested to inform the Region of the City's decision.

V. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council, at its meeting of October 28, 1997, adopted Official Plan Amendment No. 143, which provided for a redesignation of the subject lands at 220 Dundurn Street South from "Open Space" and "Major Institutional" to "Residential".

In reviewing the Official Plan Amendment after Council adoption, it was determined that another policy in the Hamilton Official Plan needed to be addressed in the context of the Amendment. Policy A.2.3.7 states that:

> *"Council will not permit the development of new major Residential development within four hundred (400) metres of HEAVY INDUSTRIAL areas except as provided for in Policy A.2.3.1.iv)".*

(Subclause iv) in Policy A.2.3.1 refers to residences for maintenance staff of a principle use.)

REQUIREMENTS UNDER THE PLANNING ACT:

The Planning Act allows an Official Plan Amendment to be modified once they are adopted. A letter was sent to all persons/companies who made a written or verbal submission at the October 8, 1997 public meeting. The letter indicated this specific issue would be dealt with at the November 19, 1997 meeting of the Planning and Development Committee.

COMMENTS:

The modification to Official Plan Amendment No. 143 by including a notwithstanding clause can be supported for the following reasons:

1) The intent of Policy A.2.3.7 was to prevent the extension or expansion of heavy industrial areas into residential areas. This is based on the fact that the specific policy is included as part of the Industrial Section of the Official Plan as opposed to being included in the Residential Section; and,

2) This residential development is recognized as an infill situation in an area that has existing residential uses.

For the information of the Committee, a noise study was conducted encompassing the various industrial land uses in the area of the subject property at 220 Dundurn Street South. The study concluded that no noise control measures were warranted for this residential development based on the level of industrial noises encountered on the subject lands. The study is being reviewed by the appropriate authorities.

CONCLUSION:

Based on the foregoing discussion, it is appropriate to request the Region of Hamilton-Wentworth to modify Official Plan Amendment No. 143 to include a notwithstanding clause to address Official Plan Policy A.2.3.7.

JHE
N:\JHE\OPA143.AME

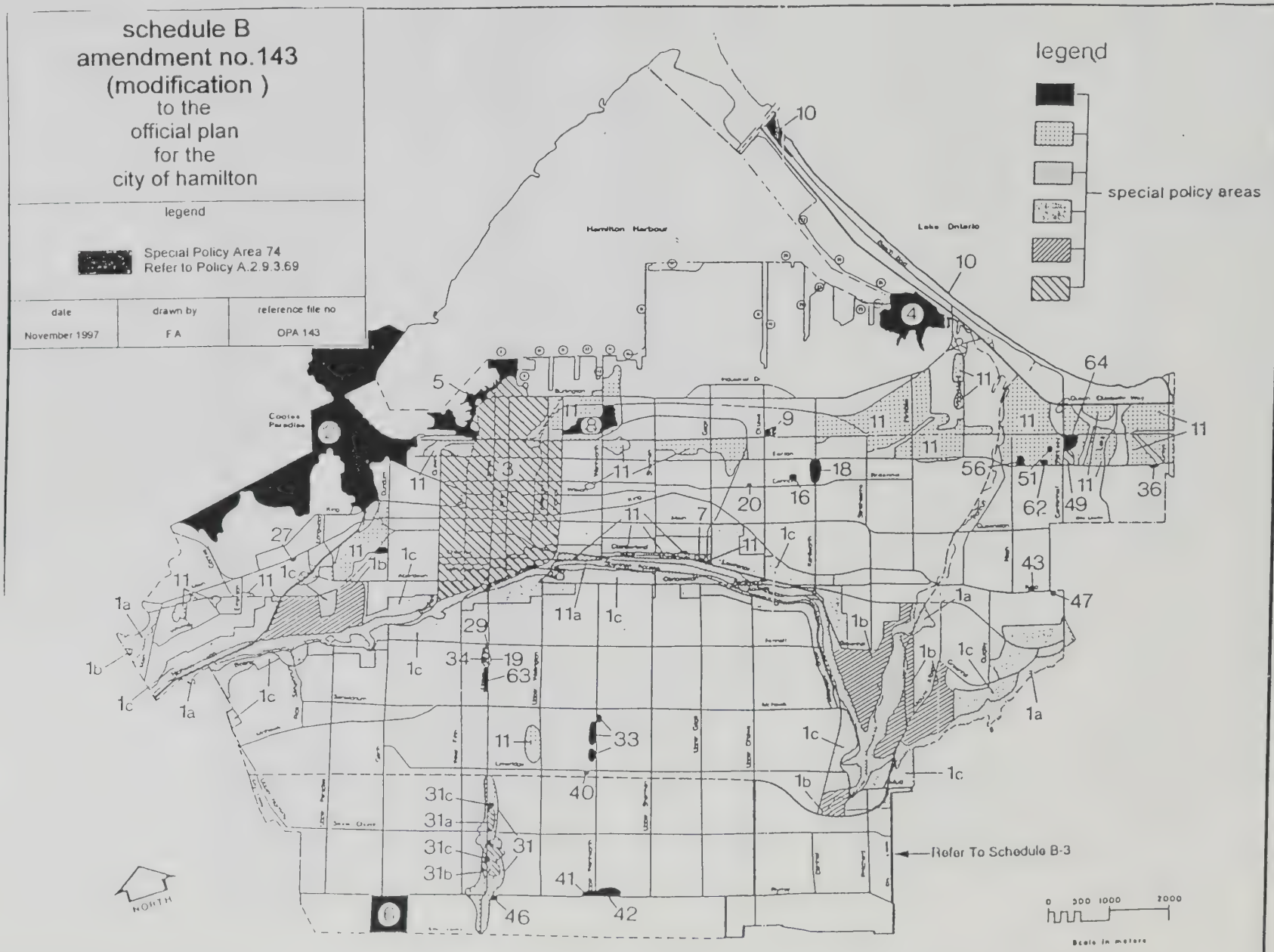
APPENDIX "A"

schedule B
amendment no.143
(modification)
to the
official plan
for the
city of hamilton

legend

Special Policy Area 74
Refer to Policy A.2.9.3.69

date	drawn by	reference file no
November 1997	F A	OPA 143

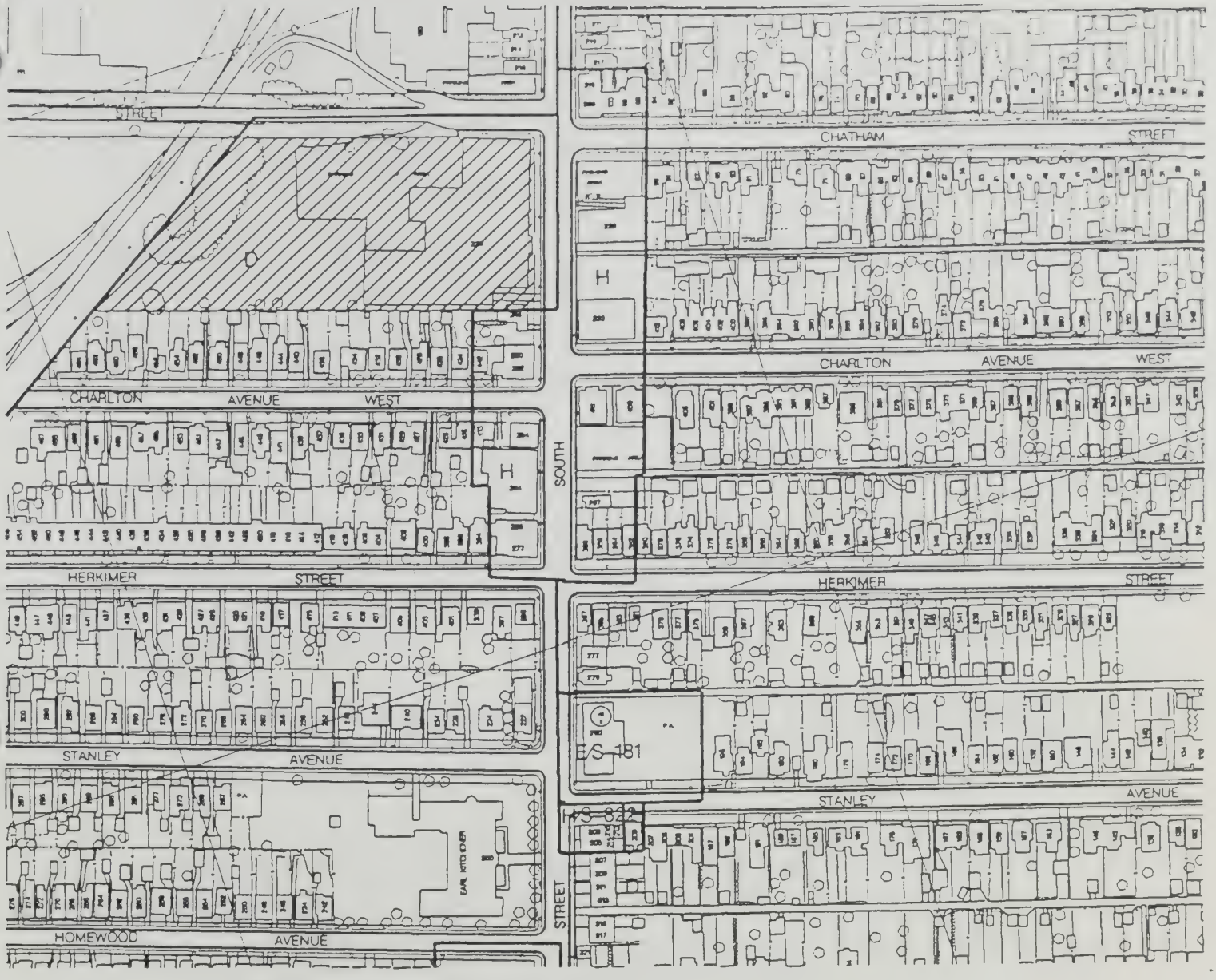


special policy areas

AREA	REFER TO POLICY
1(a)	A.2.9.1.
1(b)	A.2.9.1.
1(c)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3.
	A.2.9.3.1.
4	A.2.9.3.2
5	A.2.9.3.3
6	A.2.9.3.4
7	A.2.9.3.5.
8	A.2.9.3.6
9	A.2.9.3.7
10	A.2.9.3.8
11	A.2.9.3.9
11(a)	A.2.9.3.9
16	A.2.9.3.14
17	"Deleted"
18	A.2.9.3.16
19	A.2.9.3.17.
20	A.2.9.3.18
26	A.2.9.3.21.
27	A.2.9.3.22
29	A.2.9.3.24
30	A.2.9.3.25
31	A.2.9.3.26.
31(a)	A.2.9.3.26
31(b)	A.2.9.3.26.
31(c)	A.2.9.3.26
32	A.2.9.3.27.
33	A.2.9.3.28.
34	A.2.9.3.29.
35	A.2.9.3.30
36	A.2.9.3.31.
37	A.2.9.3.32.
38	"Deleted"
40	A.2.9.3.35
41	A.2.9.3.36
42	A.2.9.3.37.
43	A.2.9.3.38.
45	A.2.9.3.40
46	A.2.9.3.41.
47	A.2.9.3.42
48	"Deleted"
49	A.2.9.3.44.
50	A.2.9.3.45.
51	A.2.9.3.46
53	"Deleted"
54	"Deleted"
55	A.2.9.3.50.
56	A.2.9.3.51.
62	A.2.9.3.57.
63	A.2.9.3.58
64	A.2.9.3.59.

Refer to Schedule B-1 for Special Policy Areas in the Downtown

schedule B
to the official plan
for
the city of Hamilton
94 12 15



Legend

Site of the Application

Reference File No	
ZAC-97-26	
Drawn By	Date
S.H.	July 1997
Scale	
Not to Scale	
North	

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 3
(PLC-97-04)
Lisgar Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for "Wisemount Estates, Phase 8" Subdivision
Registered Plan 62M-826

RECOMMENDATION:

a) That approval be given to Part Lot Control Application 97-04, **822827 Ontario Inc. (J. Parente, owner**, to remove part-lot control from Registered Plan 62M-826, "Wisemount Estates - Phase 8", as shown on the attached map marked as APPENDIX "A";

b) That the City Solicitor be directed to prepare a By-law to to remove part lot control from Registered Plan 62M-826 "Wisemount Estates, Phase 8" plan of subdivision, for presentation to City Council; and,

c) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same ~~on the~~ by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Wisemount Estates, Phase 8".

Location

The lands are located on Locheed Drive, north of Limeridge Road East and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

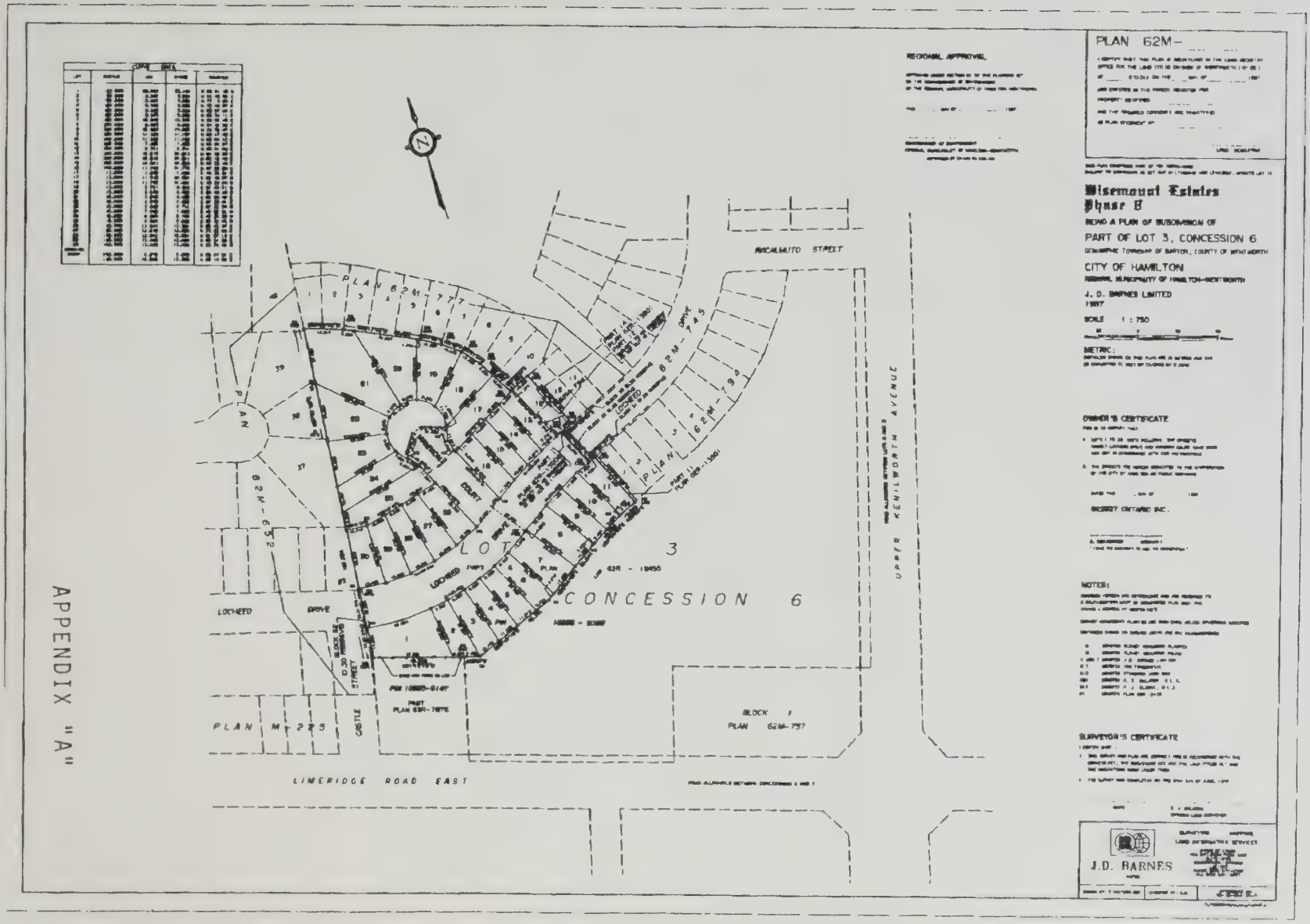
2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance easements for the future property owners to access and maintain the side of the single family dwelling set on or adjacent to the lot-line.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

CF/cf
PLC97-04

APPENDIX "A"


PLAN 62M-
Elsemount Estates
Phase II
BEING A PLAN OF SUBDIVISION OF
PART OF LOT 3, CONCESSION 6
CITY OF HAMILTON
J. D. BARNES LIMITED
SCALE 1 : 750
METRIC:
OWNER'S CERTIFICATE
NOTES:
SURVEYOR'S CERTIFICATE
J.D. BARNES
REGIONAL APPROVAL
MACALMUTO STREET
UPPER KENILWORTH AVENUE
LOCHEED DRIVE
LOT 3
CONCESSION 6
PLAN M-225
BLOCK 1
PLAN 62M-757
LIMERIDGE ROAD EAST

D (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 30

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) -
Revised Board of Management.

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-196, appointing the Barton Village B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
M. Wright	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service
J. Howard	Econ-o-wash Laundry

2. That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-196 pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

At a recent Barton Village B.I.A. Board of Management meeting the Board elected M. Wright as the representative of the Bank of Montreal to replace the bank's former representative, K. Jokic.

DL:HM:hm
P&DBarton.Board

c.c. Keith Cody, Chairman
Barton Village B.I.A.

Patrice Noé Johnson
City Solicitor
Law Department

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 30

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management.

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-209, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
A. Peckham	The Royal Bank
R. Ianuzzi	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
K. Wiegand	McCarthy Hearing Aids

2. That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-209 pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Downtown Hamilton B.I.A.'s Board of Management met on 1997 October 15 and elected R. Ianuzzi, Canadian Imperial Bank of Commerce to the Board. R. Ianuzzi replaces the bank's former representative H. Wood. The Board also accepted C. Jamieson's resignation from the Board.

DL:HM:hm
P&DDowntown.Board

c.c. Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Patrice Noé Johnson
City Solicitor
Law Department
Downtown Hamilton B.I.A.

D (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Revised Board of Management -1997-

RECOMMENDATION:

(a) That Schedule'B' of By-law No.97-176 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

John Driscoll	**Ottawa Market and Discount Center**
John Gut	**Textile Centre**
Tony Bifano	**Anton Video**
Greta Munt	**Greta's Flair**
Daniel Kwiatkowski	**Beach Road Meats**
Toby Yull	**Toby's Interior Design**
John Bazinet	**L. G. Wallace Funeral Home**
Irena Bogovic	**Adriana's Love Angels**
Bill Hodge	**Hamilton Vaccuum Supply**
Manny Fresco	**Campbell Glass and Mirror**

(b) That the City Solicitor be authorized and directed to amend By-law No.97-176 pursuant to (a) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1997 October 22.

JP:jp
p&d\bmottawa.97
1997 October 23

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

Mr. D. Kwaitkowski, Chairman
201 Ottawa Street North
Ottawa Street B.I.A.

D (iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 October 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Revised Board of Management 1997; Main Street West Esplanade Business Improvement Area (B.I.A.)

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-197, appointing the Main Street West Esplanade B.I.A. Board of Management, be repealed and the following names substituted.

J. Bourinot	Dairy Queen
I. Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
B. Hughes	Tim Hortons
M. Gunn	Mor Car Wash

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of bylaw No. 97-197, and replace it pursuant to (1) above;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1997 October 17.

JP/jp
P&D\bdamend.mw

c.c. Ms. J. Morrison, Co-Chairman
Mr. M. Gunn, Co-Chairman
Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

D (v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 21

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: International Village Business Improvement Area (B.I.A.) -
Proposed Budget and Schedule of Payments for 1998.

RECOMMENDATION:

1. That the 1998 operating budget for the International Village B.I.A. (attached as Appendix 'A') be approved in the amount of forty-nine thousand, five hundred and fifty dollars ($49,550); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (1) above; and,

3. That the following schedule of payments for 1998 be approved:

January 01	$24,775.
September 01	$24,775.

NOTE: 1997 levy arrears will be deducted from the payments for 1998.

D Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The forty-nine thousand, five hundred and fifty dollars ($49,550) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1997 November 12, the International Village B.I.A. adopted a 1998 operating budget of forty-nine thousand, five hundred and fifty dollars ($49,550).

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to adopt the International Village B.I.A. 1998 Budget was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

DL:HM:hm
P&DInt.98Budget

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Alan Ross, City Treasurer
Treasury Department
Attn: Larry Friday, Supervisor of Tax Administration/Banking

D(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 26

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: International Village Business Improvement Area (B.I.A.) - 1998-2000 Board of Management.

RECOMMENDATION:

1. That Schedules 'A' and 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'A'

Alderman A. Horwath
Alderman R. Corsini

SCHEDULE 'B'

Joe Collura	227 King Street East, Hotelevision (tenant)
John Kenyon	200 King Street East, Payne Music (tenant)
Paul Kircos	223-225 King Street East (owner)
Wolfgang Schoen	255 King Street East, The Black Forest (tenant)
Steve Stricker	225 King Street East, Wylde Tattoo (tenant)
Dean Taylor	233 King Street East, Hudsons (tenant)
Gord Thompson	190 King Street East (owner)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The International Village B.I.A. held its Annual General Meeting 1997 November 12. At the meeting the B.I.A.'s general membership elected its Board of Management for 1998-2000 cognizant that Bill 106 comes into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants. One position on the Board was purposely left vacant with the objective that the position will be filled once Bill 106 is in force thereby making others eligible for membership on the Board that are not eligible at the present time.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to elect the International Village B.I.A.'s Board of Management for 1998-2000 was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been forwarded to the members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

DL:HM:hm
P&DInt.98BoM

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Patrice Noé Johnson, City Solicitor
Law Department
Attn: Art Zuidema, Solicitor

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: **Westdale Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1998**

RECOMMENDATION:

1) That the 1998 operating budget of the Westdale Village B.I.A. (attached as Appendix 'A') be approved in the amount of $35,000; and

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1998 be approved:

January 01	$11,000.
March 01	$ 8,000.
June 01	$ 8,000.
September 01	$ 8,000.

NOTE: 1997 Levy arrears will be deducted from the payments for 1998.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $35,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its General Meeting held 1997 Novemver 5, the Westdale Village B.I.A. adopted a budget of $35,000.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. the process followed to adopt the Westdale Village B.I.A. 1998 Budget was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Commitee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

JP\jp
P&D\wesbug97

cc A. Ross, City Treasurer
Att: L. Friday, Treasury Department

Mary Beth Ledden, Chairman,
Westdale Village B.I.A.

Appendix 'A'

WESTDALE VILLAGE B.I.A.

Proposed Budget 1998
$35,000

Uncollectible levies	**$5,000.00**
Fixed Expenses	**$15,000.00**
Audit fees, Director's insurance, comprehensive insurance, fax & copy charges, Board Meeting meals, beautification, office supplies, office space, staff, phone, miscellaneous.	
Marketing & Advertising	**$15,000.00**

	$35,000.00

THE FOLLOWING INFORMATION WAS ADOPTED BY WESTDALE VILLAGE BIA WITH RESPECT TO THE EXPENDITURE OF THE $35,000, TO BE APPROVED ACCORDING TO THE FOLLOWING DISCRETIONARY SPENDING POLICY:

0-$25.99 MAY BE SPENT WITHOUT BOARD OF MANAGEMENT APPROVAL. DETAILED INVOICES/RECEIPTS MUST BE SUBMITTED TO THE TREASURER.

$26.00-$999.99 MAY BE SPENT WITH 5 BOARD DIRECTORS SIGNATURES MANDATORY ON THE PURCHASE ORDER BEFORE A CHEQUE IS ISSUED.

$1000.00-$4999.99 AT THE WILL OF THE BOARD OF MANAGEMENT, THIS AMOUNT OF MONEY MAY BE APPROVED ACCORDING TO THE GUIDELINES FOR THE $26.00-$999.99 CATEGORY OR THE BOARD OF MANAGEMENT MAY SEND THE REQUEST TO A COMMITTEE REQUESTING A DETAILED PLAN TO BE SUBMITTED AND APPROVED.

$5,000.00 AND OVER, A DETAILED BUDGET AND PLAN MUST BE PRESENTED TO THE BOARD AT LEAST 6 MONTHS PRIOR TO THE EVENT.

***NOTE: ALL COMMITTEES MUST HAVE AT LEAST ONE BOARD MEMBER WHO IS RESPONSIBLE TO PRESENT THE PROPOSAL AT THE BOARD MEETING.**

D(viii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Revised Board of Management 1998-2000

RECOMMENDATION:

(a) That Schedule 'B' of By-law No. 97-030 appointing the Westdale Village B.I.A. Board of Management be repealed and the following names substituted:

Mary Beth Ledden	Judy Marsales Real Estate Ltd 986 King St West, (Owner)
David Simpson	Simpson, Watson, & Vujnovic Lawyer 950 King St West, (Owner)
Gene Ditner	Cottage Florist 1033 King St West, (Owner)
Shelagh Snider	The Picture Frame 1045 King St West, (Owner)
John Mouskos	New Village Restaurant 988 King St West, (Owner)
David Thorne	Truth 1044 King St West, (Tenant)
Reg Lahie	Jack Carruth Shoes 1051 King St West, (Owner)

(b) That the City Solicitor be authorized and directed to amend By-law 97-030 pursuant to (a) above

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:

The Westdale B.I.A. held its Annual General Meeting 1997 November 5. At its meeting the B.I.A. 's general membership elected its Board Management for 1998-2000 cognizant that Bill 106 comes into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants. One position on the Board was purposely left vacant with the objective that the position will be filled once Bill 106 is in force thereby making others eligible for membership on the Board that are not eligible at the present time.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to adopt the Westdale Village B.I.A. 1998 Budget was in accordance with the Steering committees' recommendations. The initial findings of the Steering Committee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

JP:jp
P&D/bmwestdale.98

c.c. Ms. P. Noe Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

Ms. M.B. Ledden, Chairman
Westdale Village B.I.A.

D (ix)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
1998-2000 Board of Management

RECOMMENDATION:

1. That Schedule 'A' and 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'A'

Alderman T. Anderson
Alderman B. Kelly

SCHEDULE 'B'

Debbie Johnson	576B Concession St., Why Pay More (Tenant)
Paul Wharton	552 Concession St., Wharton Copy Print (Owner)
Rodger Burrough	588 Concession St., Camtech Photo Services (Owner)
Jan Engbers	540 Concession St., Toronto Dominion Bank (Owner)
John Woolcott	536 Concession St., Woolcott Shoes (Owner)
Betty Toplack	560 Concession St., Mountain Book Store (Tenant)

FINANCIAL/STAFFING/LEGAL/IMPLICATIONS:

N/A

D. Lobo.

BACKGROUND:

The Concession Street B.I.A. held its Annual General Meeting 1997 November 18. At its meeting the B.I.A.'s general membership elected its Board of Management for 1998-2000 cognizant that Bill 106 comes into force 1998 January 01 and, that the make-up of the Board must include both owners and tenants. One position on the Board was purposely left vacant with the objective that the position will be filled once Bill 106 is in force thereby making others eligible for membership on the Board that are not eligible at the present time.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to elect the Concession Street B.I.A.'s Board of Management for 1998-2000 was in accordance with the Steering Committees' recommendations. The initial findings of the Steering Committee have been forwarded to the members of the Planning and Development Committee by way of an Information Report dated 1997 November 10.

JP/jp
p&dbdmtg96.con

c.c. Betty Toplack, Co-Chair
Concession Street B.I.A.

John Woolcott, Co-Chair
Concession Street B.I.A.

Patrice Noe Johnson, City Solicitor
Law Department
Attn: Art Zuidema, Solicitor

D (X)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: **Concession Street Business Improvement Area (B.I.A.)**
Proposed Budget and Schedule of Payments for 1998-2000

RECOMMENDATION:

1) That the 1998 operating budget of the Concession Street B.I.A. (attached as Appendix'A') be approved in the amount of $12,000.; and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1998 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1998 be approved.

January 01	$3,000.
March 01	$3,000.
June 01	$3,000.
September 01	$3,000.

NOTE: 1997 levy arrears will be deducted from the payments for 1998.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of $12,000. is totally levied by the B.I.A. through its members. There is no cost to the City for any part of this operating budget. As a point of clarification, the attached budget identifies a Christmas grant in the amount of $1000.00 from the City of Hamilton. This will be dealt with under a separate process through the Treasury Department and does not form part of the B.I.A. levy.

BACKGROUND:

At its Annual General Meeting held 1996 November 19, the Concession Street B.I.A. adopted a budget of $10,100.

The establishment of a Steering Committee to address the process for 1998 B.I.A. budgets and 1998-2000 B.I.A. Boards of Management, given the recent passing of Bill 106, was approved by City Council at its meeting held 1997 September 30. The process followed to adopt the Concession Street B.I.A. 1998 Budget was in accordance with the Steering Committee have been forwarded to members of the Planning and Development Committee by way of an Information Report dated 1997 November.

JP\jp
\P&D\conbud.97

cc Mr. A. Ross, City Treasurer
B. Toplack, Chairman, Concession Street B.I.A.

APPENDIX'A'

CONCESSION STREET BUSINESS IMPROVEMENT AREA
PROPOSED BUDGET FOR 1997

EXPENSES	
ADVERTISING AND PROMOTION	$ 2,800.
HYDRO-CHRISTMAS LIGHTS	$ 800.
ADVERTISING, PROMOTION & NEWSLETTER	$ 6,000.
ADMINISTRATION	
INSURANCE	$ 750.
ACCOUNTING	$ 350.
MISCELLANEOUS	$ 400.
TOTAL	$11,100.
INCOME	
BIA TAX LEVIES	$10,100.
CITY OF HAMILTON GRANT FOR CHRISTMAS DECORATIONS	$ 1,000.
TOTAL	$11,100.

E(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 7

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Heritage Permit Application - 109 Charles Street

RECOMMENDATION:

That a Heritage Permit be approved for the north unit (#109) of the 1850s semi-detached stone cottage at 109-111 Charles Street, located within the MacNab-Charles Heritage Conservation District, to undertake the following work:

a) rebuild the brick masonry wall (east facade) of the rear addition; and,

b) re-install the existing six-over-six sash window in the new opening and install a new window to match in place of the present doorway (both windows to have arched brick lintels and stone sills to match the rear windows of 111 Charles Street).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with Part V of the Ontario Heritage Act (Heritage Conservation Districts), alterations to the original fabric or features of the building exterior (all facades) requires Council approval through the Heritage Permit process.

BACKGROUND:

The north half of the semi-detached stone cottage at 109-111 Charles Street was recently purchased by the owners of 111 Charles Street. The ground floor serves as their principal residence while the basement accommodates their financial and retirement consulting business.

Plans include the renovation of the basement to accommodate additional office space while the ground floor will serve to extend their living space.

The recent removal of a rear wooden deck revealed a serious structural problem with the brick wall, where a supporting wood beam was badly rotted. The beam rests on a concrete block foundation wall (not original). The entire wall needs to be rebuilt, and due to its hazardous condition, a building permit has already been issued for rebuilding the concrete block foundation, in a way that will provide a stable base for the masonry wall above. A heritage permit is not required for this work.

Conservation work now in progress includes the repair and repainting of the exterior woodwork (eaves, windows and door frame) and the removal of parging from the stone masonry east wall of the rear wing.

Conservation work planned for this fall or next spring includes the replacement of the existing asphalt-shingled roof with a cedar-shingled one to match the one on 111 Charles Street; the replacement of the two front sash windows with six-over-six paned units to match the existing original windows of 111 Charles Street; the replacement of the aluminum storm windows with 12-paned storms to match those on 111 Charles Street; and, repair/repointing of stone masonry on both 109 and 111 Charles Street.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner

E (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 10

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Hamilton Beach Lighthouse and Keeper's Dwelling - National Historic Site

RECOMMENDATION:

That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the Hamilton Beach lighthouse complex, comprising the original 1858 stone Imperial Tower and the adjacent 1857 brick keeper's dwelling, be evaluated for recognition as a National Historic Site.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

This historic complex, located just south of the Burlington Canal on the Hamilton Beach Strip, the strip of land dividing Lake Ontario and the Hamilton Harbour. The lighthouse, a circular stone tower with an iron lantern, served as an important navigational aid for cargo ships and pleasure craft until decommissioned in 1961. The 1 1/2 storey brick keeper's house was continuously occupied by a succession of lightkeepers until 1991. occupied by a succession of

Both the lighthouse and keeper's dwelling are now owned by Public Works Canada, owner and operator of the adjacent lift bridge. Public Works Canada recently undertook some necessary repairs to both buildings, which are essentially redundant to its needs; the keeper's dwelling does, however, currently provide extra storage space for the lift-bridge operating facility.

The lighthouse and keeper's dwelling are designated under the Ontario Heritage Act as one building complex. Both structures were evaluated by the Federal Heritage Buildings Review Office in 1992, after they were declared surplus by Transport Canada. The lighthouse alone was awarded the status of a "recognized" federal heritage building (Federal heritage buildings fall into two categories: "classified" (highest ranking) and "recognized".)

An Action Committee, Chaired by LACAC Member Mr. Reg Wheeler, was established earlier this year to investigate future uses for the lighthouse complex. To date, the Committee has made two site visits and held one meeting. The Committee's goal is to have the 1850s tower and keeper's dwelling restored and the site made accessible and educational to the general public. The enhancement and interpretation of this valuable heritage resource, combined with other improvements such as landscaping, walking/cycling trails, docking and washroom facilities, could turn the canal end of the Hamilton Beach into a popular recreation area (as it was at the turn of the century) and tourist destination. A lookout from the lighthouse lantern (if technically feasible) could offer panoramic views of the harbour. Options for the keeper's dwelling, to be further investigated, include a residence for a custodian/caretaker or an interpretive centre.

A restored and publicly accessible historic lighthouse complex is anticipated to be a major attraction along the section of the new Lake Ontario Waterfront Trail now linking Confederation Park, the Hamilton Beach community, Burlington Canal and Beachway Park in Burlington. This scenic, recreational and natural/cultural heritage trail was undertaken as a joint venture between the Waterfront Regeneration Trust (Chaired by Mr. David Crombie) and local communities located along the Lake Ontario waterfront. A large portion of the Waterfront Trail, running from Trenton to Stoney Creek, is now finished and once fully completed by the year 2000, it will extend from Kingston to Niagara-on-the-Lake.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 2

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **1998 Meeting Schedule -**
Planning and Development Committee

RECOMMENDATION:

That the attached schedule of meetings for the Planning and Development Committee 1998 be approved.

Stella Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

SG/jt

PLANNING AND DEVELOPMENT COMMITTEE

SCHEDULE OF MEETINGS FOR 1998

Report titles to be listed in the "S" Directory by 5:00 o'clock p.m.	Reports to be submitted to Committee Secretary by 12:00 o'clock noon.	Agenda Review Meetings @ 10:00 o'clock a.m. in Room 264.	Committee Meetings @ 9:30 o'clock a.m. in Room 233.	City Council Meetings @ 7:30 o'clock p.m.
January 9	January 13	January 15	January 21	January 27
January 23	January 27	January 29	February 4	February 10
February 6	February 10	February 12	February 18	February 24
February 20	February 24	February 26	March 4	March 10
March 13	March 17	March 19	March 25	March 31
March 27	March 31	April 2	April 8	April 14
April 9	April 14	April 16	April 22	April 28
April 24	April 28	April 30	May 6	May 12
May 8	May 12	May 14	May 20	May 26
June 12	June 16	June 18	June 24	June 30
June 26	June 30	July 2	July 8	July 14
August 7	August 11	August 13	August 19	August 25
September 11	September 15	September 17	September 23	September 29
September 25	September 29	October 1	October 7	October 13
October 9	October 13	October 15	October 21	October 27
October 23	October 27	October 29	November 4	November 10
November 6	November 10	November 12	November 18	November 24
November 20	November 24	November 26	December 2	December 8

F (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 November 26

REPORT TO: Alderman D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Site Plans for Approval

(b) Local Architectural Conservation Advisory Committee - Minutes of meeting held 1997 October 6

(c) Planning and Development Department Quarterly Report as at 1997 September 30

(d) Building Department Quarterly Report as at 1997 September 30

(e) Report of the Steering Committee Established to Address the Impact of Bill 106 on Business Improvement Areas, dated 1997 November 10

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

Stella Glover

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

Ken Roberts
C.E.O.
Hamilton Public Library

OFFICE OF THE CITY CLE

MEMORANDUM

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TO:	Chairperson and Members, Planning & Development Committee	YOUR FILE:	
FROM:	Stella Glover, Secretary, Planning & Development Committee	OUR FILE: PHONE:	 546-2729
SUBJECT:	**Added Reports -** **Planning & Development Committee**	DATE:	1997 December 9

Please find attached a copy of the report listed "to follow" as Item 6 on the Regular Agenda of the Planning and Development Committee for its meeting of 1997 December 11.

An additional report entitled "Gore Heritage 2000 Program - 123-125 King Street East" is also attached for inclusion on the Consent Agenda.

These reports are circulated in order that they may be included with the agenda package which was previously distributed.

I trust this information will be of assistance to you.

Stella Glover

URBAN MUNICIPAL
DEC 10 1997
GOVERNMENT DOCUMENTS

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 8

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: "Bellevue", 14 Belvidere Avenue (Designated) - Demolition Permit Application

RECOMMENDATION:

a) That the 180-day delay of demolition be applied to the designated property at 14 Belvidere Avenue known as "Bellevue", in accordance with the provisions of Section 34 of the Ontario Heritage Act, 1997; and,

b) That the City Solicitor be authorized and directed to undertake the necessary action in this regard.

C. Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Designation under the Ontario Heritage Act will not permanently protect a building from demolition. Section 34 of the Act states that Council, after consultation with its LACAC, shall consider an application for demolition and within ninety days of receipt shall either consent to the application or refuse the application and thereby prohibit any work to demolish or remove the building for a period of 180 days (from the date of its decision). In this case, Council must make its decision by 1998 January 11. The application of a 180-day delay of demolition is a standard procedure to provide the necessary time to investigate alternatives to demolition.

In accordance with the City of Hamilton Act (Bill Pr140), which applies to all properties designated under the Ontario Heritage Act, no demolition permit can be issued until a building permit has been obtained for a new building to be erected on the same site and to be substantially completed within two years of the commencement of demolition.

BACKGROUND:

Bellevue, located at 14 Belvidere Avenue, Hamilton, was designated as a building of architectural and/or historical significance pursuant to the provisions of the Ontario Heritage Act by City Council in 1983. A copy of the Reasons for Designation is attached.

An application to demolish the designated mid-19th century two-storey stone house was submitted to the Building Department on 1997 October 14 by the current owner, Mr. Clair Sellens. This application was forwarded to the Local Architectural Conservation Advisory Committee (LACAC) for comment, in accordance with the provisions of the Ontario Heritage Act.

The recommendation to impose the 180-day delay of demolition follows as a result of lengthy discussions, first at a meeting of LACAC's Research Sub-Committee, then at the 1997 November 3 meeting of LACAC, where the Committee met with the owner who presented his arguments for demolishing the house. The Committee was also presented with copies of a form letter that the owner prepared and had signed by ten neighbouring property owners indicating their support for the issuance of a demolition permit.

The house has been standing vacant since 1994 and has since suffered from neglect and vandalism. The recent history of the Bellevue property dating back to when Mr. Sellens purchased it in 1971 is outlined in the attached chronology. It should be noted that the property then comprised four lots of record (identified as lots 1, 2, 3 and 4 in the Grandview Survey, Registered Plan No. 457). Mr. Sellens then obtained permission to sever this parcel of land into six building lots for single-family dwellings. Three lots were subsequently created to the east and new houses built (on lots #1 and #2). "Bellevue" currently stands on the original lot #3; lot #4 is technically a separate building lot, where a new house could be built (see attached plan).

The site visit made on 1997 November 21, with the property owner, revealed that while the building has suffered considerable deterioration on the inside since left standing vacant, it is still considered to be in sound condition.

attached

cc Victor Abraham, Director, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Len King, Building Commissioner
Nina Chapple, Planning and Development Department

REASONS FOR DESIGNATION
(By-law No. 83-183)

Bellevue
14 Belvidere Avenue, Hamilton

Located on Hamilton's mountain brow with a commanding view out over city and bay, Bellevue ranks among the city's finest example of historic residential architecture. This gracious dwelling at 14 Belvidere Avenue was built of locally quarried limestone in 1848–50 by John Bradley and closely resembles the McQuesten homestead of Whitehern both in style and construction.

Along with the contemporary limestone mansions of Inglewood, Ballinahinch, Rock Castle and Whitehern, Bellevue marked an important initial step in Hamilton's rapid transition from pioneer settlement to cosmopolitan centre at the middle of the nineteenth century.

Architecturally, Bellevue's compact and symmetrical Classical Revival design displays a fine sense of proportion and scale. The masonry and interior trim attest to the competence of local builders Melville, Herald and White. Embellished with a belvedere in the late 1800's, after which the city's tradition of escarpment estates.

Of historical importance to Hamilton's pioneer era was the original owner of Bellevue, John Bradley, who contributed not only through his commercial success but also through his political leadership to the growth of the community. George Gillespie, a resident of 14 Belvidere Avenue, in the 1860s and '70s, was a successful merchant and industrialist who did much to promote Hamilton financial institutions. Of special significance are the north, east and west facades, together with the stone chimneys and belvedere of the building known as Bellevue.

"Bellevue", 14 Belvidere Avenue

CHRONOLOGY

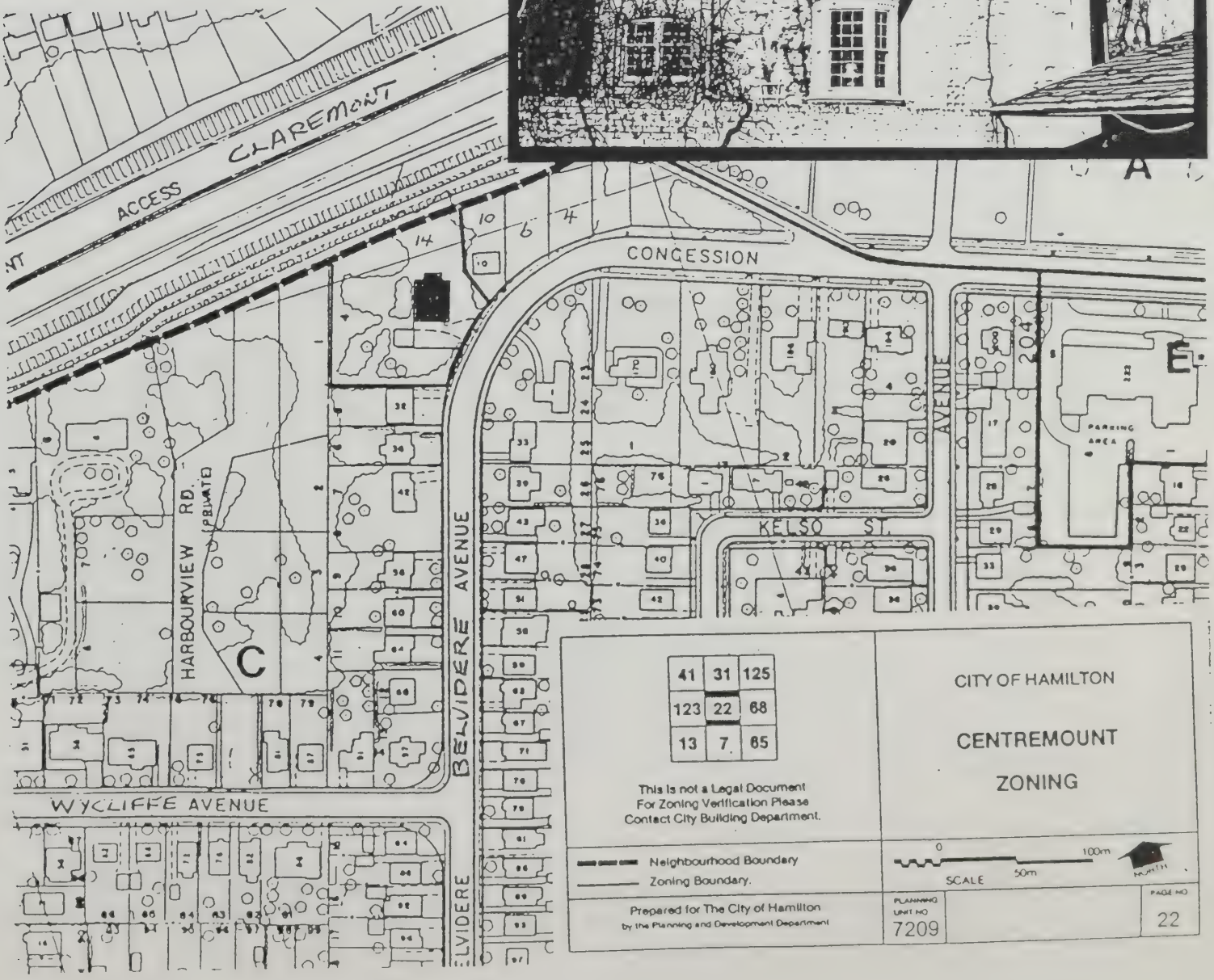
1971	Property is purchased by Clair Sellens from Mr. and Mrs. Robert Innes and subsequently left standing vacant.
1980	LACAC votes unanimously to recommend designation under the Ontario Heritage Act (Sept. 22).
	House is donated by Mr. Sellens to a religious group, *The Family of God in Hamilton*, which agreed to lease the land for an 8–year term (Dec. 10).
1981	Letter of request for designation is received from *The Family of God*; designation recommendation is then forwarded to City Council and approved (Oct. 13).
1982	Conservation Review Board hearing is held April 14, in response to an objection filed by Clair Sellens to the City's notice of its intent to designate Bellevue.
1983	Property is designated by City Council (By–law No. 83–183), in accordance with the recommendation of the Conservation Review Board.
1994	*The Family of God* moves out of Bellevue, after occupying the house for 13 years (original lease of land was extended).
1994 to 1997	House is left standing vacant and is subject to vandalism.
1997	
October 14	Current owner, Mr. Sellens, applies to the City for a Demolition Permit.
October 23	Proposed demolition first discussed by LACAC's Research Sub–committee.
November 3	Clair Sellens attends the regular LACAC meeting to present his case for demolition; matter is referred back to the Research Sub–committee.
November 17	LACAC's Research Sub–committee recommends that the 180–day delay of demolition provided for under the Ontario Heritage Act be imposed.
November 21	Site visit, which included the property owner, LACAC representatives and Heritage Planning staff.

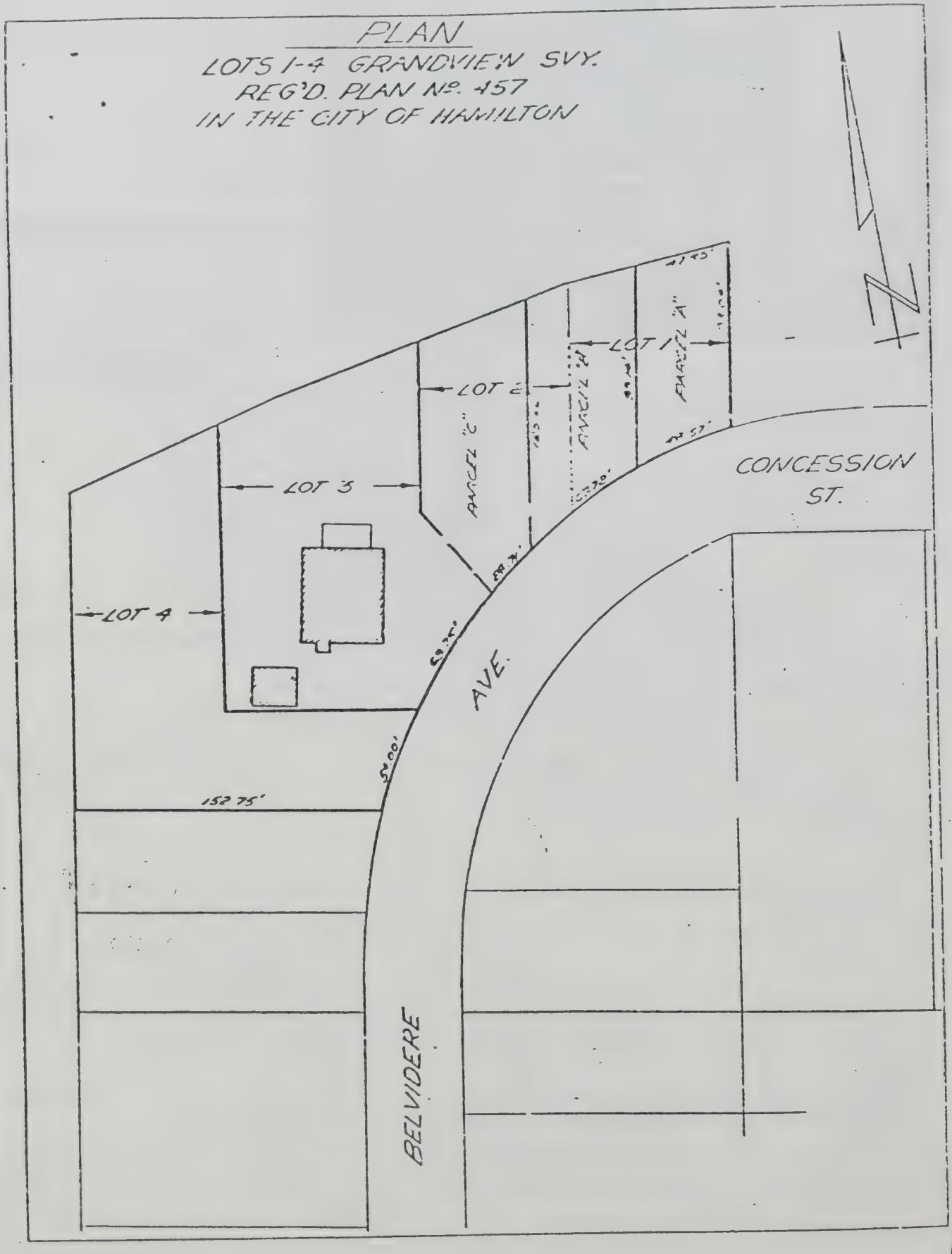


14 Belvidere Avenue



"Bellevue" in 1982:
Front (north) facade, facing the Mountain brow, and west facade.





The present "Bellevue" property comprises two lots of record (#3 and #4), as shown on this revised version of the Grandview Survey Registered Plan No. 457, which also shows the three severed lots as Parcels A, B and C.

B (vi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 December 5

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len C. King, P. Eng.,
Building Commissioner

SUBJECT: Gore Heritage 2000 Program
123-125 King St. E (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

That a grant under the Gore Heritage 2000 Program in the amount of $2,652 to Richard Gerofsky, Wilfred Gerofsky, and Molly Gerofsky, registered owners of 123-125 King Street East be approved for facade improvements.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A Capital Budget of $200,000 for the Gore Heritage 2000 Program was approved by City Council on 1997 March 18. Approval of a grant of $2,652 will result in a net balance of $157,348 in the program account.

Under the Planning Act, Council has adopted the Downtown Hamilton Community Improvement Plan which includes the Gore Heritage 2000 Grant Program and this Plan was approved by the Minister of Municipal Affairs and Housing effective August 12, 1997.

Application was submitted October 14, 1997 for Ministerial approval for the said Gore Heritage 2000 Grant Program as required by Section 28(8) of the Planning Act, for any measures to complement a Community Improvement Plan which would ordinarily be bonuses to business prohibited by the Municipal Act. By letter dated November 26, 1997, the Ministry has informed the City that the August 12, 1997 approval also authorized such measures.

.../2

BACKGROUND:

The Gore Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located on the Gore between James and Catharine Streets with the restoration and improvement of their street facades. The program runs until the end of December, 1997.

Buildings with a frontage of up to 50 feet are eligible to receive one matching grant, to a maximum of $20,000; those with a frontage exceeding 50 feet are eligible to receive one additional grant (max. $20,000). Buildings designated under the Ontario Heritage Act are eligible to receive an additional $5,000 matching grant.

The owners have applied under the terms of the above program to undertake storefront improvements and conservation work on the upper facades. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines. Due to the phasing of the project, two separate applications are being submitted. The first is for storefront signage (Phase 1). The balance of the available matching grant will apply to masonry repointing, painting, and repair work yet to be determined. (Phase 2).

Heritage Planning staff have reviewed the estimates and support the above recommendation. The proposed storefront signage has also been reviewed and approved by LACAC's Research Sub-Committee.

On the basis of the foregoing, staff recommend that a grant be given under the Gore Heritage 2000 Program in the amount of $2,652.

MM/MK/jp

cc Ray Camani, Treasury Department
David Powers, Law Department
Nina Chapple, Planning Department
Mark Mascarenhas, General Manager




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